

having the peace talks proceed. But it is a very different world today in the era of rockets than it was in 1967 when Israel captured the Golan Heights. Syria, obviously, wants the Golan back as a matter of national pride.

Former Secretary of State Kissinger told me that he found President Hafez al-Asad to keep his word on the negotiations for the disengagement in 1974, so that, obviously, any arrangements would have to be very carefully negotiated under President Reagan's famous dictum of "trust but verify."

It seems to me now is a good time to promote that dialog. The advantages would be if Lebanon could be stabilized. It is an ongoing question to the extent Syria is destabilizing Lebanon. The Syrian officials deny it. There is no doubt that Syria supports Hezbollah and Hamas, so that Israel could gain considerably if the weapons to Hamas were cut off and attacks from the south and Hezbollah were not a threat from the north.

The sending of an Ambassador is a very positive sign, a positive sign that Envoy former-Senator George Mitchell was visiting. I think this bodes well. The article I wrote in the Washington Quarterly some time ago sets forth in some greater detail my views on the issue of dialog.

I note my colleague has come to the floor, so I will conclude my statement and yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER TO THE DEPARTMENT OF STATE

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

The assistant legislative clerk read the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

The Senator from Missouri.

Mr. BOND. Madam President, I rise today to express my strong opposition to the nomination of Mr. Harold Koh to be the Legal Adviser to the Department of State. My concerns with Mr. Koh arise primarily from his own statements, writings, and testimony before Congress. In my opinion, he seems more comfortable basing his legal conclusions on partisan political opinions and trendy arguments rather than the facts and the law. We do not need more legal theorists in government. We need more legal realists in government, someone who pays attention to the hard work we do in this

body to pass laws. The Department of State and the country deserve better than that kind of advice.

Let me provide a few quick examples. On September 16, 2008, Mr. Koh testified before the Senate Judiciary Subcommittee on the Constitution. His written testimony included the following statement:

A compliant Congress repeatedly blessed unsound executive policies by enacting nominal, loophole-ridden "bans" on torture and cruel treatment and rubberstamping without serious hearings presidentially introduced legislation ranging from the PATRIOT Act to the Military Commissions Act to the most recent amendment of the Foreign Intelligence Surveillance Act.

In the same testimony, he argued that Congress should revisit the hastily enacted FISA Amendments Act with less emphasis on the issue of immunity for telephone and Internet service providers. He obviously was not paying attention.

Besides his condescending and inappropriate tone, I think his statements reflect a poor understanding of some of the most important pieces of national security legislation that have been passed since the September 11 terrorist attacks and passed on a bipartisan basis in both Houses.

As my colleagues may know, I was heavily involved in the legislative process surrounding the passage of the FISA Amendments Act. I can assure you that certainly was not the result of a congressional rubberstamp that was enacted hastily. We began working on the first one, the Protect America Act, debated it, and passed it in the summer of 2007. When we came back in the fall, the Senate Intelligence Committee went to work on a bipartisan basis, and we worked for months to get a truly bipartisan bill that came out of the committee. In that bill, we added many additional protections to American citizens to assure their rights would be protected from warrantless surveillance, even if they were overseas. We added that. And we added further protections. That bill passed the Senate. It went to the House, and it was stalled for months.

In the spring of 2007, I sat down with the Republican whip and the Democratic whip in the House of Representatives—STENY HOYER of Maryland and Mr. ROY BLUNT of Missouri. We went through and took account of all of the concerns they had on both sides in the House of Representatives. We worked with lawyers from the Department of Justice, from the intelligence community, and lawyers for the majority staff in the House of Representatives. It took us several months. What we finally came up with was a piece of legislation that overwhelmingly passed the House on a bipartisan basis and came back and passed the Senate on a bipartisan basis.

Another key aspect of the FISA Amendments Act was to ensure the intelligence community could continue to collect timely intelligence that could be used to prevent future ter-

rorist attacks. Another key aspect of the legislation was the carrier liability provisions that were designed to end frivolous litigation against companies alleged to have responded to requests for assistance from the highest levels of government. I don't know what plan Mr. Koh is living on, but if he thinks we can accept electronic communications without being able to give legitimate orders to the carriers of those communications, he doesn't understand the real world. That is where we find out what the terrorists' plans are, who the terrorists are, and where they are likely to strike. If we cannot say we are not going to have frivolous lawsuits against those who respond to lawful orders from the Federal Government, then we are not going to be able to have access to that information.

I am happy to report that earlier this month, the U.S. District Court for the Northern District of California, which had raised questions and entertained legislation, rejected the constitutional challenges to the carrier liability provisions and dismissed all but a few of the lawsuits involved in the multidistrict litigation. They found that, contrary to Mr. Koh, they were constitutional, and a well-reasoned opinion said they were right. A bipartisan majority in both Houses of Congress said they were right.

Let me be clear, the FISA Amendments Act was a necessary and important piece of national security legislation that is keeping us all safe. But despite the overwhelming bipartisan approval, apparently Mr. Koh does not see it that way. I urge my colleagues, even those who voted for cloture, to go back and think again, to see if legislation worked on for a year in this body on a bipartisan basis and passed by this and the other body should be dismissed as hastily approved.

In his book, he condemns the Democratic leaders in the Senate who played a leading role in making the improvements to the FISA Act. And to the Republicans, he condemned everybody who worked on it. Apparently, decisions need to be made in the Department of Justice, not through the elected will of those of us who represent the people of America. I think his charges and his disregard of Congress warrant a hard look at him.

Another example of Mr. Koh's partisan legal scholarship can be found in his May 2006 article in the *Indiana Law Journal*, where he wrote:

We should resist the claim that a War on Terror permits the commander in chief's power to be expanded into a wanton power to act as torturer in chief.

While that might appear to be a nice media sound bite in winning partisan plaudits, I think it is a bit premature to conclude that the United States illegally tortured detainees. We know the Department of Justice's Office of Legal Counsel reviewed the proposed interrogation procedures on several occasions and found them to be lawful. We in the Senate Intelligence Committee are

conducting a review of those practices to make sure what was done complied with the law. Where American soldiers violated all standards—not only of law but of decency—and performed unspeakable acts on detainees at Abu Ghraib prison, they were rightfully punished and sent to prison, as they should have been. That is what we do even with our brave soldiers who step out of bounds.

Here is another clever sound bite from Mr. Koh. In an article for the *Berkeley Journal of International Law* back in 2004, he wrote:

What role can transnational legal process play in affecting the behavior of several nations whose disobedience with international law has attracted global attention after September 11—most prominently, North Korea, Iraq, and our own country, the United States of America? For shorthand purposes, I will call these countries the “axis of disobedience.”

To my fellow colleagues, I ask: Do you accept the fact that the United States is part of an “axis of disobedience”? Do you really think fighting back against the terrorists who struck us on 9/11 was disobedience? Do you think we should have a Legal Adviser in the State Department who believes international law—ill-defined, not applicable—should be applied to affect his political judgments on America?

The Legal Adviser for the State Department should be an advocate for the Nation not a detractor. If I remember correctly, after September 11, by a vote of 77 Members in the Senate, plus a majority in the House, we made the determination to go to war in Iraq to make sure we didn’t suffer further attacks. It was in compliance with a U.N. resolution. Oh, I say, by the way, that was a legal international resolution.

A lot of people will say Mr. Koh had a distinguished career in government service and legal academia. I am concerned he spent a little too much time in the ivory tower, and I wish he would return to that jurisdiction.

Given my previously stated concerns, I cannot and will not in good conscience vote in favor of his nomination. I recognize that Mr. Koh may be headed for confirmation, but I would ask those who may have previously voted for cloture to go to this nomination and think about what he said about Congress, about the work we have done, and about what he has said about America. Are you comfortable having him as a Legal Adviser to the State Department after what he said about America being part of the “axis of disobedience”? Are you comfortable with what he said about those of us who voted for the war resolution, about those of us who voted for the FISA Amendments Act? I certainly am not.

If he is confirmed, I would hope for his and our country’s sake, if he returns to the State Department, his legal advice will be based on facts rather than political rhetoric.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam 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. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

#### HONORING DENISE JOHNSON

Mr. KAUFMAN. Madam President, once again I rise to honor a Federal employee whose service to our Nation is exemplary. Before I do, I want to thank my distinguished colleague from Mississippi, Senator COCHRAN, for his June 11 statement about Federal employees. It is my great pleasure to join with him and other Senators to recognize the enormous contributions to the security and prosperity of our country by those who work in the Federal Government.

Madam President, last week, I shared the story of a Federal employee who spent his career working at the Redstone Arsenal in Alabama. He helped design and test the advanced missile systems used by our military to defend our ideals overseas. This week, I wish to share the story of a Federal employee who also works to advance our interests overseas—that of humanitarian good works. Both are vital to our global leadership.

I have spoken before about the groundbreaking medical research performed by Federal employees at the National Institutes of Health. The advances in medicine and biotechnology pioneered by those working at NIH keep America’s health care the most innovative in the world. Yet making breakthroughs and developing treatments are only a part of how the Federal Government is helping to promote global health. One of our foreign policy and humanitarian priorities is to expand access to new medications and health technologies among those who live in the developing world.

The hard-working men and women of the Centers for Disease Control and Prevention are at the forefront of initiatives to bring lifesaving medicines to those in greatest need. Foremost, the CDC monitors, prevents, and, if necessary, contains the outbreak of deadly diseases in the United States, such as West Nile and Swine Flu. Part of this effort is a push to eradicate some of the most dangerous viruses throughout the world.

With the lens of Congress now focused on our health care system, so much has been said about its shortcomings. Yet for all the problems we face on this front, Americans are blessed with freedom from fear of diseases that afflicted previous generations.

When I was young, tens of thousands of children each year were stricken

with polio. In the early part of the 20th century, polio outbreaks occurred in the United States with deadly frequency. Parents used to keep their children home and away from their peers. Many became paralyzed or had to make use of the iron lung. We have all seen those famous images of President Franklin Roosevelt seated behind his desk in the Oval Office signing New Deal programs into law and overseeing a World War against the enemies of liberty. But at the same time, few Americans knew that behind that desk our President sat in a wheelchair, his legs paralyzed from his own battle with polio.

Today, in parts of Africa and South Asia, hundreds of children each year still develop polio. While children in developing nations routinely receive the Salk or Sabin vaccines, this is a luxury for rural villagers in places such as India, Nigeria, Afghanistan, and Somalia. The CDC has set a goal of vaccinating every child on Earth. Leading this charge over the past decade, Denise Johnson serves as the Acting Chief of the CDC’s Polio Eradication Branch.

Before she was recruited to direct this project, Denise served for 6 years as the manager of the CDC’s Family and Intimate Partner Violence Prevention Program. In this role, she oversaw the promotion of nonviolent, respectful relationships through community and social change initiatives. This was around the time that Congress passed the Violence Against Women Act, which was one of the proudest achievements of my friend and predecessor, Vice President JOSEPH BIDEN, during his career in the Senate.

When asked why Denise was highly sought after to work on the polio project, one of her supervisors at the CDC said:

If you do a good job keeping women and children from being beaten, you can eradicate polio.

With Denise at the helm, the Polio Eradication Branch has been working in close concert with the World Health Organization and UNICEF to promote immunization. In her first few years alone, Denise and her team helped immunize over a half billion—let me repeat that, a half billion—children in 93 countries.

From her office in Atlanta, Denise oversees a staff of over 40 professionals working overseas. Her effective leadership has proven to be a key factor in the program’s success. Denise administers the purchase and distribution of over 200 million doses of the oral polio vaccine—bought for a mere 63 cents per dose—and routinely serves as a field consultant in polio hotspots around the world. In fact, Denise is in Kenya right now, taking the fight against polio straight to the front lines.

Twenty years ago, there were over 350,000 cases of polio in 125 countries, but today there are fewer than 2,000 cases. That is 350,000 cases down to 2,000 cases because of the diligent work

performed by Denise and the rest of her team at the CDC's Polio Eradication Branch. It is only a matter of time before this disease no longer threatens our world's children.

Madam President, Denise is just one of so many Federal employees who have dedicated their lives to serving the greater good. She and her team are truly engaged in what President Obama has called "repairing the world." Their work saves lives and helps demonstrate our Nation's commitment to humanitarian leadership in the global community.

I hope my colleagues will join me in honoring Denise Johnson and her team for their outstanding work, as well as the important contributions made by all of our excellent public servants.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

#### GROVES NOMINATION

Mr. CARPER. Madam President, in the Constitution, we see laid out before us a framework of how our government is supposed to work, with three branches—legislative, executive, judicial. We also find in the Constitution what our relative responsibilities are, not with great detail but with some definitiveness.

Ironically, one of the requirements the Constitution provides for us in this country is that every 10 years we try to count everybody. We have a census. Most nations do that. We have been doing that really for over 200 years. It does not get any easier. In fact, every 10 years it gets harder, and it also gets to be more expensive.

The Director of the Census does not serve a finite period of time. The Director of the Census really serves at the pleasure of the President, and we have had Census Directors who have served as little as 1 year and some Directors who have served maybe 4 or even 5 years.

This is particularly appropriate to speak about today because we do not have a Director of the Census. We had a Dr. Murdock, from down in Texas, who served for about the last year of the Bush administration as our Census Director. He did a very nice job. But at the beginning of this year, Dr. Murdock resigned. We do not have a Census Director. What we do have coming down the railroad tracks is the requirement to do the census.

Next April 1—I call it a little bit like D-day. At Normandy, we sent all of our troops ashore, and they scrambled off of those landing vessels. They stormed the beaches. That took place after literally months of planning, months of preparation, and finally the day of execution came.

In a way, the census is like preparing for the Normandy invasion. The efforts are underway now. They have been underway for months and will continue up to April 1 and beyond that day, as we try to count everybody. Yet, at this critical time, as we approach the need to conduct our census, to do it in an accurate, cost-effective way, we do not have a leader there. We have some good people, but they lack a Director.

Last month, I held a hearing of our Homeland Security and Governmental Affairs Subcommittee, and we invited people who had been high-level officials in, I think, every census since 1970—the 1970 census, the 1980 census, the 1990 census, and the 2000 census. We asked them to come in and talk to us about how they thought we were doing in terms of the preparation for the 2010 census. At the end of their testimony, I asked each of them to give to us on our committee two names of people who they thought would be excellent Census Directors, and they were good enough to do that. I think every one of them included in their recommendations the name of a fellow from Michigan—I am an Ohio State guy, but they recommended a fellow from Ann Arbor whose name is Dr. Robert Groves.

Dr. Groves is an expert in survey methodology. He has spent decades working to strengthen the Federal statistical system, to improve its staffing through training programs, and to keep the system committed to the highest scientific principles of accuracy and efficiency. Having once served as Associate Director of the Census Bureau a number of years ago, Dr. Groves knows how the agency operates and what its employees need to successfully implement the decennial census and other programs. He knows because he has been there. He is not just an academician—one of the most respected people in his field in the country—he actually helped run the Census Bureau at an earlier time. The combination of those experiences has prepared him well to lead the Bureau at a time when rapid developments and changes are occurring.

As a manager, he elevated the University of Michigan's Institute for Social Research to a premier survey research organization, respected throughout the country—actually, respected around the globe. Numerous Federal and State agencies and policymakers have sought his expertise in survey design and response. His work has received professional recognition through awards from various professional associations, including the 2001 American Association for Public Opinion Research Innovator Award and more recently the 2008 American Statistical Association Julius Shiskin Award for original and important contributions in the development of economic statistics. Ultimately, his deep expertise in survey response will help the Census Bureau focus on the most important goal of the 2010 census, which is to encourage all people to respond to the census.

Dr. Groves will undoubtedly face a host of operational and management challenges as we move closer to the 2010 census. However, I remain confident he is well equipped—remarkably well equipped—to understand the agency's inner workings, to lead his staff—he has led a large organization already; he served at a senior level at the Census Bureau before—and to also be a national spokesperson for the 2010 census and the agency's other equally important ongoing survey programs. It is for these reasons that I hope the full Senate will support his nomination and move it quickly.

Let me just reiterate, we are now about 8 months away from when the first forms go out as part of the start of the 2010 census. The Bureau has already completed something we call address canvassing—an operation in which 140,000 people on the ground nationwide were making sure the address lists we have to do the census are accurate.

Since the 2000 count, the population in this country is estimated to have increased by over 40 million people, with increased numbers of minorities and an increase in the number of languages spoken. Further complicating the 2010 decennial operations is the mismanagement and lack of preparation that occurred in past years, most notably in the failure of the field data collection automation contract, resulting in a last-minute decision to return to paper-based questionnaires, ultimately adding billions of dollars to the census budget. And it is only going to get harder the longer the Senate delays the confirmation process.

The reason we do not have a Census Bureau Director is not because we do not have a qualified candidate. It is not because our Subcommittee on Homeland Security and Governmental Affairs has not endorsed his candidacy. We have done so unanimously, and actually we have endorsed him with acclaim. We are just lucky, very fortunate in this country to have—at a time when we are about to try to meet our constitutional responsibility to count everybody accurately and in a cost-effective way—to actually have somebody with his gifts and his talents to bring to the job. What we do not have is the permission to bring his name up for a vote in the Senate. If we leave here today without having had the opportunity to vote up or down on the nomination of Dr. Groves, we will have made a very grave mistake.

I understand our Republican friends are uncomfortable, unhappy with the pace for the confirmation process for Judge Sotomayor, who has been nominated, as we know, to be an Associate Justice on the U.S. Supreme Court. I voted for Chief Justice John Roberts a couple of years ago. The timetable for approving his confirmation was almost the very same from the day he was nominated by former President Bush to the day we voted for him here, it was almost the same number of days we are

talking about with respect to the Sotomayor nomination. The timetable on Justice Alito: almost the same from the day he was nominated by President Bush until the day we voted here in the Senate—at least a majority of our colleagues did—to confirm him. It was almost the same number of days. I realize some of our colleagues are unhappy that we are providing the same kind of timetable for Judge Sotomayor that we provided for Justice Alito and Chief Justice Roberts. I, for the life of me, do not see what the beef is.

Just as I believe we are fortunate to have someone with Dr. Groves' credentials to serve as our Census Director, I think we are lucky to have somebody with Judge Sotomayor's credentials to serve on the Supreme Court. I have had the opportunity to meet with her. I know a number of my colleagues have too. I must say, among the things I most like and respect about her: She is up from nothing. She was a kid born in the Bronx, raised in the Bronx, and very humble, from a humble setting, a humble beginning. She worked hard, won herself a scholarship to Princeton, went there, excelled, and later went off to law school at Yale—two of the finest institutions we have in our country.

After that, she was a prosecutor for a number of years; beyond that, a corporate litigator; and finally nominated by a Republican President—George Herbert Walker Bush—to serve as a district court judge. By all observers, she did a superb job. She was not just so-so. She was an exceptional judge—so good, in fact, that a few years later, when there was a vacancy on the circuit court of appeals in her district, a Democratic President, Bill Clinton, said: I think she ought to get the nod. He nominated her for that position, and she was confirmed by a wide margin. So she has actually been through this process not once but twice. I think she has gone on to serve longer as a Federal judge—when you add together the district court time and the circuit court of appeals time, I think she has served longer as a Federal judge than anybody in the last 100 years who has been nominated to serve on the U.S. Supreme Court.

I have read the comments some of her colleagues have to say about her, including colleagues who were also nominated by Republican Presidents. They have been uniformly complimentary, very gracious in their remarks, very laudatory as well.

So I would say to my Republican colleagues, while you struggle to get over the fact that we are going to set the same timeline or try to set the same timeline for the confirmation of Judge Sotomayor that we set for the nominations of Judges Alito and John Roberts—I just don't understand the angst you feel.

I do know this: Apparently, the nomination of Dr. Groves is being held up along with 25 to 30 other names, all of whom have cleared committees, I think, by wide margins. We can't move

forward on those nominations. Some of them maybe are not of grave consequence. The nomination of Dr. Groves is of grave consequence. If we have the opportunity later today in the course of business to actually consider a number of nominations that are before the Senate, that are awaiting our consideration, I would urge my colleagues on the other side of the aisle to allow the nomination of Dr. Groves to come here for a vote and to give us the opportunity to vote him up or down. I am sure we will vote him up, and I am equally sure he will make us proud with the service he will provide as the Director of the Census Bureau for our country in the years ahead.

With that having been said, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

#### HEALTH CARE REFORM

Mr. BROWN. Madam President, just before walking into this Chamber, I attended a historic rally on health care reform across the street. Today, thousands of Americans—some from every State in this country—traveled to Washington for one of the largest health care lobby days in the history of the Nation. I joined these citizens—volunteers, almost all—representing more than a thousand organizations and more than 30 million people who are fighting to ensure that every American has access to affordable health care coverage.

I am inspired by their activism and energy and by the message I hear from these Americans. I am hearing from hundreds of thousands of middle-class Ohioans, and their message is: Don't let the special interests hijack this health insurance reform.

The message I hear is to make sure health care reform includes a strong public option. I will tell you about individuals, Americans like Joseph from Powell, OH, who are demanding they change. Joseph, an ordained pastor and doctor of psychology, wrote to me that as a child he suffered a stroke and became paralyzed and blind. His father's insurance expired and his family had no coverage. They struggled to provide the care he needed. As an adult, he is concerned that too many Americans are not receiving the medical care they need. Joseph wishes to see a public insurance option that will bring down costs and help all Americans lead a productive life.

The spirit and energy of the people I met today—thousands from around

this Nation demanding change—reaffirms why health care reform is so important.

Health care reform is about keeping what works and fixing what's broken. Middle-class families from all over the country are demanding a health care system that reduces costs, enhances quality of care, and provides choice—choice either of a private insurance plan or of a public option. It is their choice. The existence of both will make the other behave better and make the other work better and will improve the quality of care for all Americans. Good old American competition.

People are reminding elected officials in the Senate and House about Americans like Ken from Findlay, OH. He lost his manufacturing job a few years ago, after working in the industry for nearly 30 years. Shortly before losing his job, Ken began having serious health issues—unexplained seizures and memory loss. In and out of the hospital, and out of a job, Ken was forced to find expensive private insurance after being denied Social Security disability and not yet old enough to be eligible for Medicare. Unfortunately for Ken, the price of the private insurance was simply too high.

After a near-death seizure a few years ago, Ken was hospitalized again and diagnosed with lupus. After a month-long hospitalization, Ken entered a nursing home for rehabilitation.

All this treatment was done without insurance. With tens of thousands of dollars in medical expenses, Ken had to withdraw from his 401(k) savings early—facing tax penalties, I might add—ultimately draining his lifetime, hard-earned savings, and putting his retirement security in jeopardy.

It is unacceptable that Ohioans such as Ken, who worked hard all their lives, have to fight for health insurance simply to take care of their disability. That is why the time for health care reform is now.

The HELP Committee has accomplished a lot on quality, on prevention and wellness, in part thanks to the contribution and efforts of the Presiding Officer from North Carolina. We have done well with the workforce shortages issue. We have good language on fraud and abuse. Clearly, most important, the most difficult work is in front of us. We have more work to do to make sure health care reform is about providing people with affordable, quality health insurance that protects them, to protect what works and to fix what is wrong.

I need some of my colleagues to explain to me something that is pretty confusing. As we talk about this public option, I hear the insurance industry tell us over and over they can do things better, that with their marketing, their skills, their bureaucracy, their well-paid executives and all the things they do they can do things better. As they argue against the public option, they say the government cannot do

anything right. What puzzles me is why the insurance industry is so afraid that the public option will put them out of business. They tell us the insurance business does things better, the government cannot do anything right, but yet they are afraid the public option will put them out of business. I don't understand.

I encourage all of the grassroots volunteers whom I met today to keep moving forward to remind your elected officials this legislation is not about helping out the insurance companies. Health care reform is about helping people such as Cheryl from Cleveland.

Cheryl is 59 years old and was recently diagnosed with diabetes. Her husband died just 4 months ago, and with no income, her insurance costs more than \$400 a month. With no income, Cheryl cares for a disabled adult son and an autistic granddaughter. She writes that she has no choices and that our system is broken and unaffordable for her, for some of her neighbors, and for too many Americans. She writes that she needs health care reform now before all her savings are lost. That is why it is so important we do this now.

President Obama is right we not wait for next year or the year after. Some people say the economy is bad; we cannot do it now. The same people said when the economy was good: We cannot do it now. As Chairman DODD repeatedly said in the committee that Senator HAGAN and I sit on, 14,000 Americans every day are losing their health insurance.

It is people such as Cheryl I talked about and Ken and Kathleen and Joseph—Kathleen, I will speak about in a minute—people who are losing their health insurance every day, 14,000 Americans every single day. For us to wait an additional 6 months or a year, or some people say let's wait until the next election until the voters, again, say we need health care reform, 14,000 people every day are losing their insurance.

Health care reform is about helping small business owners such as Kathleen from Rocky River, OH, west of Cleveland. One of Kathleen's finest employees suffers from rheumatoid arthritis. Kathleen's premiums have increased to \$1,800 a month, and after trying to purchase another plan, she was turned down because of her employee's arthritic condition.

Keep in mind, if you have a small business of 10, 20, 50 employees, and you have a decent insurance plan, if one of them gets very sick to the tune of hundreds of thousands of dollars, everybody's premium goes up because it is such a small insurance plan. Then so often the small business person has to give up and cannot insure their employees. Kathleen is being victimized, as are her employees, by that phenomenon. She does not want to fire her finest employee, nor should she have to.

I stand ready to work with my colleagues to design a public insurance op-

tion that will help provide middle-class families with economic stability, with stable coverage, with stable costs, with stable quality. I stand with the thousands of volunteers who were here today across the street demanding real change in our health care system. They are showing the world how change in America happens. Their activism is important—the stories of the people they are fighting for, people I just mentioned—Joseph, Ken, Cheryl, and Kathleen. That is why we cannot wait any longer. We need health care reform now, and we need a strong public option now.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. 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. GRAHAM. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

#### AID TO PAKISTAN

Mr. GRAHAM. Mr. President, I want to speak on the record in support of the Kerry-Lugar legislation that was passed by this body basically without objection—by voice vote. It went through so quickly, to me it demonstrates the power of the bill, and so I want to congratulate Senator KERRY and Senator LUGAR for this piece of legislation.

To the public, what I am talking about is an aid package to Pakistan of I think it is over \$1.5 billion a year for the next 5 years. I know we need money here at home. Trust me, in South Carolina we have the third highest unemployment in the Nation. Times are tough. But all I can tell the taxpayers and the American people is that what happens overseas does matter.

September 11 was planned in Afghanistan. It was an area of the world, quite frankly, that we ignored. Pakistan has been an ally in the war on terror generally. It is a regime with nuclear weapons. It is a country that has been hit incredibly hard by the downturn of the world economy. There are millions of people in Pakistan who are looking to find a better way. The government is fighting forces that are aligned with the al-Qaida movement—the type of people who would impose a period of darkness in the Middle East that would affect the quality of our lives. So \$1.5 billion is a lot of money, but it will do a lot of good in Pakistan and it will help this government and the Pakistan military combat the growing threat of terrorism in Pakistan. The aid package is going to help the government provide a better quality of life for its people. Where the government fails to pro-

vide a decent quality of life in Afghanistan and Pakistan, you will have a vacuum that will be filled by the Taliban. The Taliban is not in favor with the Afghan people, but when the government of Afghanistan cannot deliver justice, provide the basic necessities of life, that allows the drug dealers and the Taliban to come along and fill in the vacuum.

Pakistan is a large country with nuclear weapons. It is in our national security interest to make sure that the government is stable, that the military will be supportive of civilian control of the government and will be able to defeat the forces of extremism we have seen. We know what they can do when left unchecked. So this bill is an aid package which focuses on civil capacity.

The bill also makes sure that we know where the money is going to go. It is not a \$1.5 billion check to Pakistan that could be stolen through corruption. It is a very accountable system that follows the money. It makes an effort to upgrade the Pakistan military to deal with counterinsurgency, because they do not have the capacity now that they need. Again, it provides assistance to the Pakistani people and the government to improve the quality of their lives.

I think we are getting something for our money. I think we are going to get a good return if we can stabilize Pakistan. It helps us in Afghanistan, where we have thousands of American troops stationed and fighting as I speak.

So to Senators KERRY and LUGAR, congratulations on being able to get this bill through the Senate so swiftly. To Senators MCCONNELL and REID, I applaud them both, the minority and majority leaders, for working for the common good here. The administration has also been very supportive. I have had my differences with this administration, and I will continue to have them, but I want to acknowledge that Ambassador Holbrooke, who is now in charge of monitoring Pakistan and Afghanistan as a unit, has done a good job of focusing on what we need to do in both countries, because one does affect the other.

The Kerry-Lugar bill, according to the Ambassador and General Petraeus, would be the most important thing the Congress could do to aid the Pakistan Government and the Pakistan military at this crucial time. So I am glad to see that in a bipartisan fashion we responded to that call from our general and from our Ambassador, and hopefully this will become law soon.

To the American taxpayer, I know times are tough. I know money is in short supply. But quite frankly, this is an investment we have to make. We have soldiers serving in Afghanistan. If we can make Pakistan more secure and less of a safe haven for terrorists who are attacking our troops, that makes their lives better. If we can stabilize Pakistan and put it in the column of moderation and not extremism, not

only will our Nation prosper now, but future generations will be able to prosper. It is impossible for us as a nation to have a strong, vibrant economy and to enjoy the freedom we enjoy today and pass it on to our kids and grandkids without confronting these problems head on. Anytime you ignore problems such as Pakistan and Afghanistan, they always come back to bite you.

This is a wise investment at a time that it matters. The tide is turning in Pakistan, it is turning our way, and I hope this aid package will allow it to accelerate and get a result in Pakistan that helps us in Afghanistan.

Every American should be proud of the history and tradition of our country. We have been blessed in many ways. The challenges we face are enormous, but we have to remember we are the most blessed nation on Earth and this is a chance for us not only to help ourselves but help the world at large.

I am proud of the Senate. I look forward to working in the future with Ambassador Holbrooke and the administration on Afghanistan, Iraq, and Pakistan, to find ways to make sure we are successful. This is not a Republican or Democratic problem, this is a problem for anyone who loves freedom. This is a problem that needs to be addressed and the Kerry-Lugar bill does address the problem of Pakistan in a reasoned way.

With that, I yield the floor and 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. BURRIS. 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. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### STRUGGLE FOR EQUALITY

Mr. BURRIS. Mr. President, this June we celebrate our diversity as Americans as we mark Pride Month. In many ways, the struggle for equality is a singular thread that is woven through the fabric of American history.

From the Declaration of Independence, to the Emancipation Proclamation, to women's suffrage, from school integration, to Stonewall, the story of this Nation is a story of a long, slow march toward equal rights for every citizen. It is a story of ever greater inclusiveness—a tribute to the enduring promise of the American dream.

Together, we can reduce discrimination based on race, ethnicity, religion, sex, sexual orientation, and gender identity.

I believe we can achieve equal rights for all. I believe our next step in this ongoing struggle must be to secure the rights of the gay, lesbian, bisexual, and

transgender community. We must start by stepping up our efforts to prevent hate crimes.

It is hard to believe that it has been over a decade since Matthew Shepard was brutally beaten and left to die on a bitterly cold Wyoming road. His story rightly sparked intense national debate about the nature of hate. It reminded us that if Matthew was vulnerable, anyone could be vulnerable to such a vicious attack.

The thing that is particularly heinous about hate crimes is that they are not just an assault on an individual, they are intended as an indiscriminate assault on an entire community.

Our government has a moral obligation to say this is wrong, and we need to make sure our law enforcement officers and our courts have all of the resources they need to deliver justice.

That is why I am proud to be a cosponsor of the bill inspired by Matthew's tragic story. I do not want to see another year go by without the Matthew Shepard Local Law Enforcement Act as the law of the land.

But we must not stop there. Far too many gay and lesbian Americans face not just violence but other forms of discrimination in their daily lives.

We are fortunate in Illinois to have laws on the books to protect our citizens from discrimination based on sexual orientation or gender identity. I believe those equal protections should be Federal law. I am also a proud cosponsor of the Employment Non-Discrimination Act. It is the fair thing to do, and it is the right thing to do, and it is far overdue.

Passing ENDA will not end all forms of discrimination. One of the worst forms of discrimination is not only destroying people's careers and lives, it is undermining our national security.

I am talking about the military's "Don't Ask, Don't Tell" policy.

To all of those who have served, and to those currently serving in our Armed Forces, let us say: Thank you—thank you to those who have served. We honor your service. We honor your sacrifices. And we honor your courage.

This Nation is a better, safer place because of them. They fight for this Nation every day. We should end this offensive and discriminatory policy so they can be the best soldiers, sailors, airmen, and marines they can be, while living their lives openly and honestly.

Especially in this time of war, when we face terrorist threats, we must welcome the service of every patriotic man and woman who signs up to defend our freedom. When we dismiss the sacrifices made by those with a different sexual orientation, we determine the strength—we undermine the strength—of our fighting forces.

When we fail to recognize the brave contributions that gay and lesbian servicemembers continue to make every single day, we diminish ourselves as much as we diminish their service.

Senator TED KENNEDY has long been a leader on this issue, and I know he

wants to see legislation passed to end the ban. I support his important work and I will do all I can to support those efforts.

We will see justice, and not just in the military, but also for gay and lesbian families.

Last week, President Obama took a first step toward ending the inequality of gay and lesbian families when he extended certain benefits to domestic partners of Federal employees. For the first time, same-sex partners can be included in the Federal Long Term Care Insurance Program. Now any employee will be able to use sick leave to care for a same-sex partner, just as an employee can take time off to care for an opposite-sex spouse.

I applaud the President for beginning to tear down these inequities, but while this Executive order represents an important initial step, there is so much more to be done. The U.S. Government is far behind the private sector on this front. A large number of Fortune 500 companies already offer comprehensive benefits to same-sex couples. They have done so for many years, sometimes for over a decade. This allows them to compete for the best and brightest, attracting talented professionals regardless of sexual orientation or gender identity. We need to make sure the Federal Government is able to compete for the same talented people.

I am proud to support a bill that would extend additional benefits to the domestic partners of Federal workers. This legislation, introduced by my friend Chairman LIEBERMAN and Ranking Member COLLINS, will extend the full range of benefits to these couples. This includes access to the same Federal health and retirement plan currently available to the recognized spouses of government workers. As the free market has shown, extending these benefits to same-sex partners is not only the right thing to do, it also makes good business sense.

I know that this week, the many Pride events around the country mean a lot of different things for people in the gay, lesbian, bisexual, and transgender community. For some, it is a chance to reflect on the progress and accomplishments made by this community and to organize for the future. For others, it is an opportunity to reflect and to honor those who have been lost to AIDS. And still for others, it is a chance to feel safer, to feel empowered to celebrate a part of something bigger than themselves, and to be reminded that everyone should be proud of who they are. However each of us celebrates Gay and Lesbian Pride Month, we must remember that gender equality is far from over. But just as the Emancipation Proclamation set this country on the path to racial equality, just as women's suffrage paved the way for gender equality, so that singular refrain throughout our history will be taken up again. The struggle for equality will not be easy,



and it never has been, but if we keep at it, we will get there.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, might I inquire what the status is?

The PRESIDING OFFICER. We are on the executive nomination of Harold Koh.

Mr. ENZI. Are there time restrictions?

The PRESIDING OFFICER. We are in postcloture, which requires debate on the pending matter.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as if in morning business for such time as I might consume.

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

#### HEALTH CARE REFORM

Mr. ENZI. Mr. President, I rise today to speak about the need to reform our Nation's health care system. If we are to be successful, we must undertake this effort with the greatest care and deliberation.

When it comes to health care reform, we have started down this road before. Last Congress, I proposed legislation called Ten Steps to Transform Health Care in America in an effort to provide a blueprint from which we could begin to address the challenge of improving our health care system.

I might mention the way that came about is that Senator KENNEDY as the chairman of the Health, Education, Labor, and Pensions Committee, and I as the ranking member, worked together on a number of bills. In fact, I have quite a record for being able to work in a bipartisan way to get bills completed. We were very busy on the Higher Education Act and other education issues, so I took some leadership in the health area, and we talked about principles we wanted to achieve. Then I collected ideas from both sides of the aisle and put together this package of 10 steps that will transform health care in America as a blueprint to improve and address this challenge of improving our health care system. So it isn't something on which he or I just started working.

After I introduced the bill, I took my message of health care reform directly to the people in my State. I traveled 1,200 miles and held a series of events in March of last year to provide the people of Wyoming with the chance to see what I was working on and to voice their concerns with our current system. Everywhere I went, I heard the same message repeated over and over, and that was that people want change. They want a system that will provide them with a health care system that is affordable, more available, and easier for them to access. Simply put, the people of Wyoming, as do people all across the country, want more choices and more control over their health care. That was the goal of my Ten Steps bill. It was drafted with the aim of leveling the playing field in tax

treatment of health insurance. It was also intended to provide a helping hand to low-income Americans in the form of subsidies that would ensure access to quality, affordable health insurance.

As I traveled through the State, I also heard from members of the small business community. They made it clear that they wanted greater equity and access to a plan that would allow cross-State pooling so they could band together with small business owners in other States and get better rates on the health insurance they provide to their employees.

In the end, no matter whom I spoke with, they all had one message they wanted me to bring to the Senate: Keep costs down and under control. There have to be limits. That is why, as the only accountant in the Senate and as a member of the Budget Committee, I was and remain very concerned with the effect any health care reform proposal will have on our Federal budget, both in the short and the long term.

I can't be the only one who heard those things when I was back home. I think my experience on the road was very similar to that of almost every one of my colleagues. Last year, whether they were campaigning for themselves or for other members of our party, we logged on a lot of travel miles. We met with and spoke to people from all walks of life who came from every imaginable background. Some were from large cities and towns with large populations and others came from the smaller cities and some very small towns with fewer people and resources. Whomever we spoke to and wherever we were, we all heard the same concerns: We need a better health care system, and we need it now.

In response, I was pleased to join with several of my colleagues as we continued to work on health care reform this year. As the ranking member on the Senate Committee on Health, Education, Labor, and Pensions and in my service on the Senate Finance Committee, I have been working to foster and facilitate a constructive dialog with my colleagues on both committees. I have also met with the President and administration officials on numerous occasions so we could share ideas on how to best craft a strong, bipartisan bill. As the debate on health care reform proceeds, I continue to stand ready to work on this critical issue.

This is likely to be the most important legislation we will ever work on as Members of the Senate, no matter how many terms we serve. How well we handle this crucial issue will have an impact not just today but for many tomorrows and countless years to come. If we fail to provide the change that is needed, it may be a long time before the Senate will ever try to do this again.

I am convinced we have a perfect storm before us as we face this issue. The time is right, the political winds are with us, and we have the support

and encouragement of the current administration and the people of this Nation to get something done. That is why a good bill and a bipartisan effort are well within our grasp.

If we are to do the work that is before us and do it well, however, we can't have one side or the other try to grab the reins and lead the effort exclusively in their direction. The American people are looking for us to solve the problem, and they want to know we wrote this bill together, amended it together, and, most importantly, finished it together. They know no one side has all the answers, so they do expect us to put partisanship aside. This is too important an issue not to follow a path that will produce a bill that will have the support of 75 or 80 Members of the Senate. I have every belief we can do that, and that is why I am so strongly committed to bringing massive change to the policies laid out in the recently filed Kennedy bill. I will continue to try to bring that change to the work being done by the Health, Education, Labor, and Pensions Committee and in the Finance Committee.

Let me be very clear about what I believe we can do if we put partisanship aside and work together. We can draft a good bipartisan bill, one that will draw a large majority to its side, and we can get it done this year.

Last week, the HELP Committee began to mark up a very flawed piece of legislation. I understand the difficult circumstances that brought Senator DODD to chair this extraordinarily complex bill, and I appreciate Senator DODD's willingness to take on the task, as he also chairs the Banking Committee. However, the legislation we are considering in the HELP Committee is broken, almost to the point of being beyond repair. It is too costly and it is incomplete. Of course, we are promised we will get the other pieces of the bill. Arguments made about the unfairness of estimating the cost of an incomplete bill show that in the race to revamp our health care system, this bill was a false start. In order to get this right, we should slow down, and in some areas we need to start over.

This shouldn't be a matter of speed. To stay with the analogy of health care, no one goes to a doctor or a surgeon based on how fast they can operate or conduct an examination. It never matters how long it takes. All that matters is that they get it right. We should do the same.

I am not suggesting that we come up with a new process to develop this legislation. All I am saying is that we need to make better use of the one we already have in place, the way we have always done things in the Senate when we want to make sure we get it done right.

For instance, it wasn't all that long ago that we had to do something about our Nation's pension system. We worked together. We talked about what we had to do together. Then we came up with a way to get there, together.

The result was a bill that when it came to the floor was over 1,000 pages long and it had the immense involvement of two committees—the same two committees we are talking about with health care, the HELP Committee and the Finance Committee. Those two committees came together on a bill of over 1,000 pages. When it came to the floor, we already had an agreement between the two committee members which was taken to the leaders, which meant we had an agreement with everybody in the Chamber that there would be 1 hour of debate, two amendments, and a final vote. I asked the Parliamentarian when the last time was that there was a bill of that complexity that had that kind of an agreement before we even debated it, and that person said: Not in my lifetime. That is what is possible around here if we work together. That is what we did with the Nation's pension system.

I think we were talking about the Pension Benefit Guaranty Corporation being short a drastic \$24 billion. Boy, that doesn't look like much money anymore, does it? No. We are talking about some errors on this one that are over \$58 billion. That pensions bill wasn't so long ago. We worked together, we talked about what we had to do together, and then we came up with it together. The result was a bill that only had the two amendments offered to it because the agreement on both the illness and the remedy was so strong.

As we prepared to begin the markup of this bill last week, we received a troubling preliminary analysis from the Congressional Budget Office and the Joint Committee on Taxation regarding the costs and coverage figures associated with the legislation. In its review of the proposal, the CBO found that enacting the proposal would result in an increase in spending of about \$1.3 trillion, with a net increase to the Federal budget deficit of about \$1 trillion over the 2010-to-2019 period. This cost estimate did not include the promised "significant expansion of Medicaid or other options for subsidizing coverage for those with an income below 150 percent of the poverty level." As the markup continues, we will be asking the CBO for an official analysis of the impact of the addition of such a policy on the Federal budget deficit.

We are having more and more seniors moving into the category of long-term care—and we have a proposal before us, which we will debate when we get back. The Senator from New Hampshire, Mr. GREGG, ranking member on the Budget Committee, pointed out that the only part of that proposal that gets scored are the premiums people would pay in over that first 10 years for their long-term care, which comes to about \$59 billion, which shows a surplus of \$59 billion. But what it doesn't take into consideration is the obligation to those people who are paying in those premiums that they will get long-term care.

The expected cost of that long-term care to those people paying in that \$59 billion is \$2 trillion. The proposed payment doesn't match the proposed costs, and it would not be sustainable beyond the 10 years. Whether or not people actually start taking long-term care benefits right away, we will have another Federal Government program with a budget deficit. At the same time we received notice of the preliminary analysis of the Kennedy bill, we got word the Finance Committee was postponing the markup on health care legislation, after reports surfaced that the CBO was preparing an estimate of its legislation that projected an increase to the Federal deficit of \$1.6 trillion over the next 10 years. All of this was on the heels of President Obama's speech last week at the American Medical Association, in which he said:

Health care reform must be and will be deficit neutral in the next decade.

The bill we have before us misses the target of this commitment by more than \$1 trillion. Again, the bill is still missing language in three key areas.

I will take a few moments to speak about our Nation's deficit and overall fiscal and economic condition. My concern about the runaway spending in the Kennedy bill—I should call it the Kennedy staff bill; I know the Senator, had he been able to work with me, would have come up with some different conclusions on the bill. My concern with the runaway spending in the Kennedy staff bill is not simply a concern that it breaks faith with the President's health care reform commitments. Rather, I am deeply troubled by the direction this bill would take us during a truly perilous fiscal age.

I was elected to this body in 1996. In my first years in Congress, we moved from a budget deficit to a budget surplus. I am deeply disappointed that nearly 13 years later, our projected deficit for this fiscal year exceeds \$1.84 trillion, and our national debt exceeds \$11.4 trillion. That is bad. People are starting to take notice, and that, unfortunately, includes our creditors. Add to this the losses to our gross domestic product and an unemployment rate heading toward 10 percent and the news is worse. Again, there have to be limits. People have them in their families, municipalities have them, and most States have them. The Federal Government doesn't.

According to the Federal Reserve, the level of debt-to-GDP ratio is estimated to reach the highest levels it has since immediately after World War II. The increasing spread between short-term and long-term treasuries is evidence that global investors are increasingly concerned about our Nation's level of debt and the real potential for future inflation.

In recent weeks, Treasury Secretary Geithner traveled to China to attempt to ease growing concerns about our ability to pay off our growing debts. When Geithner told an audience of Chinese students at Peking University

that "Chinese assets are very safe," reports are that this statement drew loud laughter.

It is really not a laughing matter for us. It is serious. Tough action, not "I will tell you what you want to hear" speeches, is what we need.

On the State and local front, our economic indicators are equally troubling. On Thursday, the Rockefeller Institute of Government issued a report on State personal income tax revenues for 2009. They are falling fast; 34 of the 37 States in the report saw declines in tax revenue, indicating that it will be increasingly more difficult than expected for States to close their widening budget gaps. I can hear calls for more bailouts, but my question is, who is going to bail out the Federal Government?

These numbers provide the critical backdrop as we consider the new deficit spending included in the Kennedy staff bill. Recently, Fed Chairman Bernanke stated that "achieving fiscal sustainability requires that spending and deficits be well controlled." He went on to note that "unless we demonstrate a strong commitment to fiscal sustainability in the longer term, we will have neither financial stability nor economic growth." For these reasons, the Kennedy proposal requires an entire rewrite with respect to its impact on our Federal budget deficit.

Just as troubling as this bill's impact on the deficit is its failure to help tens of millions of Americans get the health insurance they need. The Congressional Budget Office estimates that, if enacted, this bill would only provide health insurance for one-third of the Nation's uninsured. Let's see, \$1 trillion for 16 million people. This number falls far short of the President's stated goal of "quality, affordable health insurance for all Americans" in his recent letter to Chairmen KENNEDY and BAUCUS.

Of even greater concern, the CBO projects that about 10 million individuals who would be covered through an employer's plan under current law would not have access to that coverage under the Kennedy legislation. This figure breaks President Obama's often-repeated promise during both the 2008 campaign and since taking office that under his health care plan:

If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

Under the Kennedy plan, that promise rings hollow for millions of Americans, and that is simply unacceptable. I know the President has already scheduled an event on one of the networks to push his health care ideas. When it airs, I am sure we will hear him repeat the line over and over: If you like the health care plan you already have, you can keep it.

If he makes that promise again, every time we hear him say that, we should remind ourselves that the White House has already admitted that such statements aren't to be taken literally. I think that means they are not true.



I cannot recall ever hearing something like that from the White House, but those are their words. Maybe they should be applied to the whole presentation—that none of it should be taken literally.

I know one thing that can be taken literally, and we ought to give it straight to the American people, and that is this: Under the Kennedy proposal being rolled out, you would not be able to keep the care you have right now. Washington bureaucrats will be able to deny you and your family the care you need and that you fully deserve.

Unfortunately, that is not the only thing that we are in denial about. We are also in denial when it comes to the cost of the Democrats' health care plan and our ability to work our way out of a hole of debt that only promises to grow deeper and deeper for a long time and for many years to come.

A lot of times we talk about how we are spending our kids' and grandkids' money. I really feel compelled to point out that we are already spending our seniors' money. Why is that? Well, normally, what happens in this country is that a little bit is taken—well, a bunch is taken—out of your check for Social Security, which is matched by the employer. That amount of money each month has always gone to pay the seniors who are retired, their pensions, and to have a little bit of surplus. But do you know what? It is not doing that anymore. We are having to take money out of the trust funds now to supplement that to be able to pay the people who are retired now—and we are not even to the baby boomers yet. So we have a problem.

Unfortunately, that is not the only thing we are in denial about. Having shown the devastating impact of the Kennedy bill on the Federal deficit, and the failure of it to provide access to adequate health coverage for millions of Americans, I want to turn to one of the three foundational principles of my 10-step plan; namely, improving the quality of care.

On this front, I think the Kennedy plan again fails to live up to the promise laid out by President Obama to “improve patient safety and quality of care.” That is very important—to improve patient safety and quality of care.

I am deeply troubled by the real possibility that comparative effectiveness research, which is mentioned in the bill and has been debated in the committee, and which has been held intact in there, will be used as a cost-containment measure to ration care under this legislation. The result would be, for millions of Americans, a Federal bureaucrat would dictate the type of care they receive and interfere with the doctor-patient relationship.

As the Kennedy bill proceeds through Congress, I will fight to strip those provisions that will delay and deny needed health coverage to Americans. I spoke at length in committee about the truly

horrible stories of rationing care that we hear about from the United Kingdom. I will continue to speak out to make sure this type of so-called care is not imported to the United States.

Finally, I am deeply troubled with a number of other policies advanced in the Kennedy bill. I believe the community rating provisions will result in skyrocketing premium costs for younger Americans. I am troubled that the bill doesn't provide incentives to encourage individuals to make healthier choices. There are a lot of choices we can make to improve our health ourselves.

As we complete the second week of the HELP Committee markup, we are still missing the guts of the Kennedy proposal. We expect that the final proposal will include a government-run plan, a mandate on employers to provide insurance, and a provision dealing with biosimilars. It is difficult to comment on these provisions until they are released.

Proponents of the government-run option—including the President—consistently argue that a public plan is necessary to keep the insurance companies honest and to foster competition. With respect to provisions dealing with preexisting conditions, rate bands, and other reforms, we are all committed to taking action to keep insurers honest and make sure people with preexisting and chronic diseases can get insurance. The creation of a new government program at a time when the experts and Medicare trustees tell us that Medicare stands on the brink of insolvency, does nothing to foster honesty; it fosters fiscal irresponsibility. We are borrowing to pay for the government-run programs we have now. If you already have trouble making your mortgage payments, why would you go out and buy a boat and an RV?

With respect to the notion that we will be fostering competition with the creation of a government-run health plan, I think the public is growing tired of government intervention in our day-to-day lives. First, there was our involvement in the mortgage system and then the banking system and then we got more involved in our Nation's automotive industry. It is certainly more than a possibility that the government has taken on more than it can handle. We are operating at more than the maximum capacity already. Having government take over our Nation's health care system may be the last straw.

Think about that—about all the things that just this year the government has decided to take over. The comment I get at home, and in other places I have traveled across the United States, is, doesn't the government have a little bit of trouble just running government?

There is certainly a role for government as a strong regulator of free market enterprise, but the inclusion of the government as a principal player in our

competitive markets is entirely inconsistent with our Nation's capitalist economic system. I will forcefully oppose the creation of a government-run health plan.

Before I conclude, I would like to say a few words about the current process of health care reform in the Senate Finance Committee. I said at the outset that I am committed to working toward bipartisan health care reform. As a member of the Finance Committee, I have witnessed and have been a part of at least the foundations of such reform. There are many hurdles to remain, but I thank Chairman BAUCUS and Ranking Member GRASSLEY for their very hard work on this extremely complex, difficult issue. We have never had an issue that involved as many people in this country—100 percent of the people. It is important we get it right, that we take the time to get it right. Ranking member GRASSLEY has been cooperative and Chairman BAUCUS has been open and that has been extremely helpful. We have spent hours upon hours in that committee receiving inputs and options from both sides on how to reform our Nation's health care system.

This stands in great contrast to the partisan process that has, unfortunately, unfolded in the Health, Education, Labor, and Pensions Committee we have been tediously working through. There have been comments about how many amendments we turned in. We had 388 amendments. I had to remind them that if you don't get any piece of the drafting, you have to get your opinions in somehow and you do it through multiple amendments. Probably half those amendments were to fix grammatical errors, punctuation, typos—about half of them. Those were accepted.

It is my hope that the difference in process will result in a difference in substance between the Health, Education, Labor, and Pensions Committee legislation and the Finance Committee legislation. I will continue to work in the Finance Committee to shape legislation that improves the quality of our health care, reduces costs, is responsible in its budgetary impact, and increases access to care for all the American people.

As I have said, there is a long way to go on that committee and many differences to resolve, but I continue to work in good faith and hope for bipartisan, responsible health care reform. I am holding out hope a better, more inclusive process will emerge as we continue our work in the HELP Committee. I hope that a change will come about soon, but the bill we currently have before us is a clear sign that just as we have been excluded early on in the health care reform effort, it looks like we will continue to be excluded as the process continues. There is time to get us included. There is an important reason to get us included. But we will see.

In the end, for me and many people across this country, our discussions

about health care can be summed up in a short story with a simple moral. I was reading a book about a Wyoming doctor who came home and decided to settle in a town called Big Piney. He found some ranch land he liked, and he decided to make it his home. When he was attending a local rodeo, one of the cowboys competing in the contest looked at him and said: You aren't from here, are you?

He said: Well, I am going to be, I am a doctor.

Unable to control his enthusiasm, the cowboy walked away shouting to all within earshot: Hey, we finally got ourselves a doctor.

That is what health care is all about in Wyoming, the West, and countless towns and cities all across our country.

I have to tell you, this doctor spent most of his life in the Congo. He studied Ebola and established a lot of health clinics over there. When he retired, he did move to Wyoming. He did health care the old-fashioned way. He made house calls. He sat with people while they were dying. He had a lot of friends over there. Incidentally, he did not take Medicare or Medicaid. He said there were too many strings attached to it. He set up a foundation, and people he worked with could make a donation to his foundation instead. That way he wouldn't violate any Federal rules about treating some people and taking money. He was a tremendous doctor. Unfortunately, we lost him this year. So that area is once again without a doctor. If you can send me one who likes rodeos, we would be happy to have him there. That is what health care in Wyoming is about.

In the big cities and towns of Chicago, New York, Boston, and Los Angeles, it seems to me there is a hospital or doctor's office on almost every corner. In States such as Wyoming, however, they are few and far between, which makes health care a very precious commodity. I always tell people the statistics are we are short every kind of provider in Wyoming, including veterinarians, which always brings the comment: Surely, veterinarians don't work on people. We say: Yes, if you are far enough from a regular doctor, you are happy to have a veterinarian. You just hope he doesn't use the same medicines!

If we are not careful with this legislation, it will not make health care more plentiful and abundant, it will make it even more rare and difficult to obtain, and when health care gets more expensive and less available in places such as the big cities in this Nation, imagine what it will be like in the small towns of Wyoming and the West. People back home know what it will be like—another one-size-fits-all policy that did not fit so well into the rural areas of this country to begin with. That is why people are worried right now. The only way we can assure them they do not have to worry is if we take the time to make sure we get it right the first time. Then, and only then,

will the American people feel like they will be getting what they said they wanted during our campaigns last year—not just change but change for the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for the time I consume.

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

Mr. INHOFE. Mr. President, let me say of my friend, the senior Senator from Wyoming, he does articulate this issue well. He has spent countless hours working on it. When you listen to him, his depth of knowledge and trying to work out something that would give improvements and avoid a total socialization of medicine, he knows what he is talking about.

When I go back to my State of Oklahoma, it is not all that different than from when he goes back to his State of Wyoming and people ask the question: If government isn't working well now, why do we want to put all the rest of these things in government, whether it is health care or the banking industry, the insurance industry, oil and gas and the other takeovers we are witnessing right now?

I do think you can summarize what he said very simply by merely saying, if there is a government option, of course, this is a moving target. For those of us who are not on a committee that is dealing with health care reform, we are not sure what is going on there, and I am not sure anyone else does either because it is a moving target. From one time to another, we hear different things that are going to be in the bill, and then they change their mind.

One thing we know, though, they keep saying there is going to be a government option. If there is a government option, we are going to see a huge impact on insurers, private companies that offer insurance, and you will see that market dwindling. You can't blame them for that.

The other thing that is a certainty in this whole issue of the Kennedy bill and what they are trying to do, what the administration is trying to do with the health delivery system in America is they would be putting Washington between the patient and the doctor. That gets a response when I am back in Oklahoma of we don't want that to happen.

So we have right now a lot of invasions on the systems that have worked well in America.

#### NATIONAL ENERGY TAX

I wish to talk about one other issue since tomorrow the House is scheduled to vote on what is known as the Waxman-Markey bill, which is the Democrat's answer to the worst recession in decades, a national energy tax, a tax designed to impose economic pain through higher energy prices and lost

jobs or as a recent Washington Post editorial put it:

The bill contains regulations on everything from light bulb standards to the specs on hot tubs and it will reshape America's economy in dozens of ways that many don't realize.

In other words, this would be, if it were to pass, the largest tax increase in the history of America. I know a little bit about this issue because I started working on this issue back in the late nineties when they were trying to get the United States to ratify the Kyoto treaty. The Kyoto treaty is very similar to the proposals we have had since that time. We know what that would have cost at that time. Somewhere between \$300 billion and \$330 billion a year as a permanent tax increase.

There have been proposals on the floor of the Senate in 2003, 2005, 2007, 2008, and now this time. We in the Senate have more experience in dealing with this issue than the House does because this is the first time they have ever had it up for consideration.

Over the past several weeks, Speaker PELOSI has been facing an insurrection within her own ranks. We have been reading about the Democrats who are pulling out saying: We don't want to be part of the largest tax increase in the history of America. More and more people are jumping in and saying we cannot have it. As of yesterday, the American Farm Bureau came in opposing, the strongest opposition to this legislation.

Let me say, if the Democrats are having trouble passing this bill in the House, where the majority can pass just about any bill it wants, then there is no hope for a cap-and-trade bill to come out of the Senate. I think we know that. We watched it.

Right now, by my count, the most votes that could ever come for this largest tax increase in the history of America would be 34 votes—34 votes. They are not even close.

I say that because there are a lot of people wringing their hands: She wouldn't bring this bill up in the House on Friday unless she had the votes. Maybe she will have the votes. There has been a lot of trading, a lot of people getting mad. Nonetheless, she may have bought off enough votes to make it a reality.

The fact is the Waxman-Markey bill is just the latest incarnation of very costly cap-and-trade legislation that will have a very devastating impact on the economy, cost American jobs by pushing them overseas, and drastically increasing the size and scope of the Federal Government.

In the Senate, we have successfully defeated cap-and-trade legislation in the years I mentioned. Four different times it has been on the floor. I remember in 2005, I was the lead opposition to it. Republicans were in the majority at that time. It had 5 days on the Senate floor, 10 hours a day, 50 hours. It was the McCain-Lieberman bill at

that time. It was defeated then and by larger margins ever since then.

Just a year later, with the economy in a deep recession, it is hard to believe that many more Senators would dare vote in favor of legislation that would not only increase the price of gas at the pump but cost millions of American jobs, create a huge new bureaucracy, and raise taxes by record numbers. It is not going to happen.

I appreciate that my Democratic colleagues desperately want to pass this bill. They argue that cap and trade is necessary to rid the world of global warming and to demonstrate America's leadership in this noble cause. But their strategy is all economic pain and no climate gain. This is a global issue that demands a global solution. Yet cap-and-trade advocates argue that aggressive unilateral—unilateral, that is just America; in other words, we pass the tax just on Americans—aggressive unilateral action is necessary to persuade developing countries—now we are talking about China, India, Mexico, and some other countries—to enact mandatory emission reductions. In other words, we provide the leadership and they will follow. But recent actions by the Obama administration and by China and other developing countries continue to prove just the opposite. They continue to confirm what I have been saying and arguing for the past decade, that even if we do act, the rest of the world will not.

If you still believe—and there are fewer people every day who believe that science is settled—that manmade gases, anthropogenic gases, CO<sub>2</sub>, methane are causing global warming—there are a few people left who believe that. If you are one of those who still believes that, stop and think: Why would we want to do something unilaterally in America? It doesn't make sense. The logic is not difficult to understand.

Carbon caps, according to reams of independent analyses, will severely damage America's global competitiveness, principally by raising the cost of doing business here relative to other countries such as China, where they have no mandatory carbon caps. So the jobs and businesses would move overseas, most likely to China.

This so-called leakage effect would tip the global economic balance in favor of China. A lot of them are saying China is going to follow our lead, they are going to do it. Look at this chart. This person is the negotiator for the administration. His statement is: We don't expect China to take a national cap-and-trade system. This is the guy who is supposed to be in charge of seeing to it that they do. This is Todd Stern. He is admitting it.

I wish those people who come to the floor and say: Oh, no, we know that if America leads the way, China is going to follow us—they are sitting back there just rejoicing, hoping we will go ahead and have a huge cap-and-trade tax to drive our manufacturing jobs to places such as China where they don't

have any real controls on emissions, and the result would be an increase in CO<sub>2</sub>. In other words, if we pass this huge tax in this country, it is going to have the resulting effect of increasing the amount of CO<sub>2</sub> that is in the atmosphere.

By itself, China has a vested interest in swearing off of carbon restrictions in order to keep its economy growing and lifting its people from poverty. Add unilateral Federal U.S. action into the mix, and we give China an even stronger reason to oppose mandatory reductions for its economy. And China understands this all too well. I believe they will actively and unfailingly pursue their economic self-interest, which entails America acting alone to address global warming.

Consider that in other realms, whether on intellectual property rights or human rights. The Chinese have conspicuously failed to follow America's example. We have tried to get them to do it, and they haven't done it. All the human rights efforts we have gone through to try to get political prisoners released and all these other things we have said to them to do it—we have threatened, we have asked, we have begged—and they do not do it. So why would they do this? So for China, climate change will be no exception.

My colleagues in the Senate are rightly focused on the economic effects this bill will have on their States and their constituents. But with China and other developing countries staunchly opposed to accepting any binding emissions requirements, we should be asking a more fundamental question: What exactly are we doing this for? If the goal of cap and trade is to reduce global temperatures by reducing global greenhouse gas concentrations, and if China and other leading carbon emitters continue to emit at will, then how can this supposed problem be solved?

Well, if I accept the alarmist science that anthropogenic gases are causing a catastrophe, then reducing global greenhouse gas concentrations is a solution. But the unilateral Federal solution, again, that America must first act to persuade China and others to follow—please follow us, please pass a tax in your own country, and then they are going to be following our example—there is no evidence that has ever happened before or that it would happen again. The only thing America gets by acting alone is a raw deal and a planet that is no better off.

Now, my Democratic colleagues want to sweep this reality under the rug. They argue that cap and trade—and I hope everyone understands what cap and trade is. I have often said, and other people have said—including some of the advocates of this—that they would prefer to have a carbon tax over cap and trade. Well, if you are going to have one or the other, I would too. But the only reason they use cap and trade is to hide the fact that this is a tax—a very large tax increase. So they

argue that cap and trade will not only be at least to pull China along, but also it will solve our economic woes, create millions of new green jobs, and promote energy security.

Of course, these are laudable goals, and Republicans have a simple answer to this: Let's provide the incentives rather than the taxes and mandates to produce clean, affordable, and reliable sources of energy.

I am for all of the above. I want to have renewables, I want nuclear, I want wind, I want solar, I want clean coal, and natural gas. We need it all. Cut the redtape and encourage private investment. Let all technologies compete in the marketplace. However, that is not what the Democrats are proposing in the Waxman-Markey bill.

I am talking on the Senate floor about a House bill, and I am doing that because it is scheduled to pass tomorrow and then there will be an effort over here. We have had experience with this legislation. As I have said before, it is not going to pass here, but it is a very significant thing. Anytime one House is proposing to pass the largest tax increase in history, we have to be concerned.

This bill does the exact opposite. It closes access to affordable sources of energy by trying to price certain kinds of energy out of the market. It picks winners and losers that leave places such as the Midwest and the South paying higher energy prices to subsidize areas in the rest of the country. We have a chart that shows how much this would raise in the way of taxes in Middle America as opposed to the east coast and the west coast, and it creates more bureaucracy that will only increase the costs that consumers bear and add more layers of regulation to small business.

We have to ask: Why, then, do my colleagues believe creating a national energy tax is necessary? It is all rooted in fabricated global warming science. In fact, just last week, the administration produced yet another alarmist report on global warming—which, of course, is nothing new—that takes the worst possible predictions of the United Nations Intergovernmental Panel on Climate Change's Fourth Assessment Report—is what it is called.

By the way, these assessment reports are not reports by scientists. They are reports by political people, policy people. I have to also say—and I have said this on the floor of the Senate many times before—a lot of the things that come out and that are not in the best interests of the United States come from the United Nations. That is where this whole thing started, back in the middle 1990s.

It was the IPCC of the United Nations where it all started. So it is no surprise that such a report was released just in time for the House vote on Waxman-Markey. However, what is becoming clear is that despite millions of dollars spent on advertising, the American public has clearly rejected

the so-called “consensus” on global warming. There was a time when this wasn’t true. I can remember back between the years of 1998 and 2005, when I would be standing on the Senate floor and talking about the science that rejects this notion. Since that time, hundreds and hundreds of scientists who were on the other side of the issue have come over to the skeptic side, saying: Wait a minute, this isn’t really true.

I can name names: Claude Allegre was perhaps considered by some people to be the top scientist in all of France. He used to be on Al Gore’s side of this issue back in the late 1990s. Clearly, he is now saying: Wait a minute, we have reevaluated, and the science just isn’t there. David Bellamy, one of the top scientists in the U.K., the same thing is true there. He was on the other side and came over. Nieve Sharif from Israel, same thing. So there is no consensus on the fact that they think anthropogenic gases are causing global warming.

Of course, the other thing is, we don’t have global warming right now. We are in our fourth year of a cooling spell. But that is beside the point. I am not here to address the science today but on the argument advanced by my colleagues, which is that U.S. unilateral action on global warming will compel other nations to follow our lead, as I have documented in speeches before since 1998.

By the way, if anyone wants—any of my colleagues—to look up those speeches, they can be found at [inhofe.senate.gov](http://inhofe.senate.gov). If you have insomnia some night, it might be a good idea to read them. They are all about 2 hours long. But I think many would find it very troubling indeed, that even if they believe the flawed IPCC or United Nations science, that science dictates that any unilateral action by the United States will be completely ineffective. The EPA even confirmed it last year during the debate on the Lieberman-Warner bill, and the same would hold true for this year’s bill.

Put simply, any isolated U.S. attempt to avert global warming is a futile effort without meaningful, robust international cooperation. No one disputes this fact. The American people need to know what they will be getting with their money: all cost and no benefit. This chart shows that U.S. action without international action will have no effect on world CO<sub>2</sub>. This is assuming there is no change in the manufacturing base, which we know there would be.

This brings us to a key question as to whether a new robust international agreement can ever be achieved. In addition to the domestic process ongoing in Congress, the United States is currently involved in negotiations for a new international climate change agreement to replace the flawed Kyoto treaty. This process is scheduled to culminate in Copenhagen this December. This will be the big bash put on by the United Nations to encourage countries to buy into their program.

The prospects of such an endeavor are bleak at best. Following the conclusion of the climate meeting in Bonn recently, the U.N.’s top climate official—Yvo de Boer—said it would be physically impossible—now this is the chief advocate of all this—to have a detailed agreement by December in Copenhagen. This is ironic to say the least, considering that President Obama was supposed to bring all the parties together to transcend their differences and to produce a treaty that would save the world from global warming. But the reality of the cost of carbon reductions has intervened, and now a deal appears—as it always has to me and others—far from achievable.

We must not forget where the Senate stands on global warming. As Senators may recall, in 1997, the Senate voted favorably, 95 to 0—95 to 0 doesn’t happen often in this Chamber—on the Byrd-Hagel resolution. That stated simply that if you go to Kyoto and you bring back a treaty, we will not ratify that treaty if it, No. 1, would mandate greenhouse gas reductions from the United States without also requiring new specific commitments from developing countries—China—over the same compliance period; or, No. 2, result in serious economic harm to the United States.

Well, obviously, we have talked about the serious harm to the United States and the fact there is no intention at all of having China have to be a part of this new treaty now, what, 15 years later they are going to be talking about. So I think the Byrd-Hagel resolution will still stand strong support in the Senate; therefore, any treaty the Obama administration submits must meet the resolution’s criteria or it will be easily defeated.

Remember that criteria: If they submit something in which the United States is going to have to do something that the rest of the world—or the developing world—doesn’t have to do, then it is not going to pass; and, secondly, if it inflicts economic harm on this country.

Proponents of securing an international treaty are slowly acknowledging that the gulf is widening between what the United States and other industrialized nations are willing to do and what developing countries such as China want them to do. I suggest the gulf has always been wide but will continue to widen. Recent actions by the United States and China continue to confirm my belief.

Take China’s initial reaction to the Waxman-Markey bill. The bill, hailed on Capitol Hill as a historic breakthrough, went over with a thud last week during the international negotiations. Get this: Waxman-Markey, which will be economically ruinous for the United States, was criticized by China for being too weak.

Another troubling aspect coming out of those meetings was the U.S. Government’s official submission. Many in the Senate may be surprised to learn that

this administration’s position is to let China off the hook. You might wonder, why would China look at this thing that would destroy us economically and say they do not think it is strong enough; that they want it stronger? Because the stronger it is, the more manufacturing jobs will leave the United States to go to China. They have to go someplace where they are producing energy. Nowhere in the submission to the conference do we require China to submit to any binding emission reduction requirements before 2020. In fact, before 2020, the submission only asks for “nationally appropriate” mitigation actions, followed by a “low carbon strategy for long-term net emissions reductions by 2050.”

I would submit this proposal is typical of the United States to say: Well, we have to do some face-saving, so at least let’s put them in an awkward position of having to “try” to do something. It doesn’t say they “have” to do anything; they have to try. So China can sit back and say: We are trying. Meanwhile, they enjoy all the jobs that are coming from the United States to China.

So what, then, is the Chinese Government’s idea of a fair and balanced global treaty? Well, the Chinese believe the United States and other Western nations should, at a minimum, reduce their greenhouse gas emissions by 40 percent below the 1990 levels by 2020. For comparison’s sake, Waxman-Markey, which could become the official U.S. negotiating position, calls for a 17-percent reduction—not 40 percent—below the 2005 levels by 2020.

Despite the positive spin the administration is putting on actions by the Chinese Government to reduce energy intensely or pass a renewable energy standard, while laudable, the official position of the Chinese in their submission to the United States remains as such, which I will read.

The right to development is a basic human right that is underprivable. Economic and social development and poverty eradication are the first and overriding priorities of the developing nations.

So China is talking about themselves and India and other developing nations.

The right to development of developing countries shall be adequately and effectively respected and ensured in the process of global common efforts in fighting against climate change.

That is their written statement, and that speaks for itself.

Finally, and the most telling of all, the Chinese and other developing countries collectively argue that the price for reducing their emissions is a massive 1 percent of GDP from the United States and other developed countries. What does that tell us? That tells us they are not willing to pay anything.

So let me get this straight. China opposes any binding emission reduction targets on itself; China wants the United States to accept draconian emission reduction targets that will continue to cripple the U.S. economy;

and on top of that, China wants the United States to subsidize its economy with billions of dollars in foreign aid. In the final analysis, one must give China credit for seeking its economic self-interest. I sure hope the Obama administration will do the same for America.

Despite this reality, some here in the Senate will continue to tout the fact that China's new self-imposed emissions intensity reductions, which do not pose any type of binding reductions requirements, will somehow miraculously appear—will somehow suffice for binding requirements. I believe, however, that position will fail to satisfy the American people as acceptable justifications for passage of a bill that will result in higher United States energy taxes and no change in the climate.

I do not blame them. If I were in China, I would be trying to do the same thing. I would be over there saying we want the United States to increase their energy taxes, we want a cap-and-trade bill, an aggressive one that is going to impose a tax—now it is expected to be—MIT had figures far above the \$350 billion a year.

That is not a one-shot deal. I stood here on the Senate floor objecting last October when we were voting on a \$700 billion bailout. I can't believe some of our Republicans, along with virtually most of the Democrats, voted for this. I talked about how much \$700 billion is. If you do your math and take all the families who file tax returns, it comes out \$5,000 a family.

At least that is a one-shot deal. What we are talking about here is a tax of somewhere around \$350 billion every year on the American people and the bottom line is, China wants no restrictions for theirs. They want the highest reductions for the United States and they want foreign aid on top of that.

I want to mention one other thing that just came up in today's Chicago Tribune. I read this because the Chicago Tribune has editorialized in favor of the notion that anthropogenic gases are responsible for global warming. I will read this:

Democratic leaders need to slow down. This proposed legislation would affect every American individual and company for generations. There's a huge amount of money at stake: \$845 billion for the federal government in the first 10 years. Untold thousands of jobs created—or lost. This requires careful study, not a Springfield-style here's-the-bill-let's-vote rush job.

Then:

The bill's sponsors are still trying to resolve questions over whether and how to impose sanctions on countries that do not limit emissions. That's crucial.

That is exactly what we have been saying. Even the Chicago Tribune agrees with that.

That's crucial. Those foreign countries would enjoy a cost advantage in manufacturing if their industries were free to pollute, while American industries picked up the tab for controlling emissions. The Democrats need to delay the vote. Otherwise, the House Members should vote no.

That came out today in the Chicago Tribune. Even the Chicago Tribune says there should not be a vote, but there is going to be a vote. I can't imagine that Speaker PELOSI would bring this up for a vote unless she had the votes.

What is the motivation for this, knowing full well it will not pass the Senate? I mentioned Copenhagen a moment ago—the big meeting of the United Nations, all these people saying America should pass these tax increases. They have to take something up there that will make it look as though America is going to be taking some kind of leadership role. They are not going to do it. If they take the bill passed out of the House, I expect one will be passed out of the Senate committee—because that committee will pass about anything—they will take that to Copenhagen. Everyone will rejoice up there and come back only to find out we are not going to join in.

I am sure there is going to be some type of a treaty that is given to the Senate to ratify. We will all have to remember what happened in 1997. We voted 95 to 0 against ratifying any treaty that is either harmful to us economically or is not going to impose the same hardship and taxes on developing countries such as China as it does on the United States.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### AUTHORITY OF U.S. PATENT AND TRADEMARK OFFICE TO USE TRADEMARK FUND

Mrs. BOXER. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1358, which was introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1358) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any state-ments be printed in the RECORD.

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

The bill (S. 1358) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1358

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADEMARK FUND.

(a) AUTHORITY.—The Director of the United States Patent and Trademark Office may use funds made available under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) to support the processing of patents and other activities, services, and materials relating to patents, notwithstanding section 42(c) of title 35, United States Code, if—

(1) the Director certifies to Congress that the use of such funds is reasonably necessary to avoid furloughs or a reduction-in-force in the Patent and Trademark Office, or both; and

(2) funds so used are repaid to trademark operations not later than September 30, 2011.

(b) EXPIRATION OF AUTHORITY.—The authority under subsection (a) shall terminate on June 30, 2010.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The terms “Director of the United States Patent and Trademark Office” and “Director” mean the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term “Trademark Act of 1946” means the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

#### GLOBAL WARMING

Mrs. BOXER. Mr. President, I did not plan to come down to the floor and speak today about the global warming legislation. But I heard bits and pieces of my friend Senator INHOFE's speech about essentially why we will never approve global warming legislation, why it is a bad idea, and his usual litany of “horribles” about what will happen. My friend Senator INHOFE and I work very well together on most issues that come before our committee when it comes to building the infrastructure; the State Revolving Fund, we have been a team; the highway trust fund, we have been a team. He has been very helpful on most of our nominees, if not all. So I am very grateful to him. But I could not allow his words to be the last word here on the global warming legislation as we get ready to leave for our week to go home and work.

I disagree very strongly with those who say that if we attack the problem with global warming head-on, we are moving into territory where we are