

Last November I reached out to many of these leaders when I sent then President-elect Obama and his national security team my report on the way forward in Afghanistan and Pakistan. President Obama has taken many of the steps I outlined, steps that are critical to our long-term success in the region.

Earlier this year the President appointed a special envoy for the region who will oversee the implementation of the new strategy and he appointed a new ambassador to Afghanistan, who will focus the efforts of U.S. Government agencies in country. With General Petraeus firmly in place as the CENTCOM commander and the recent nomination of LTG Stanley McChrystal as the next commander of International Security Forces, Afghanistan—COMISAF—the President will have filled the senior-most military and civilian positions in-theater.

I recently met personally with General McChrystal to talk about our way forward in the region and to listen to his ideas on Afghanistan and Pakistan. I must say I was impressed. He is not only a dedicated and accomplished soldier who has years of combat and counterterrorism experience, he is also an effective leader who understands the critical challenges we face in the region. More importantly, he understands that the war will not be won with military might alone—that to win this war we must combine the outstanding work of our military with effective diplomatic and economic efforts.

A true counterinsurgency—or COIN—strategy, one that wins the hearts and minds of the local population and gains grassroots support for development and governance efforts, includes an effective public diplomacy campaign. General McChrystal not only understands the importance of good public diplomacy, he is dedicated to ensuring that our actions on the ground speak as loudly for our intentions as do our information efforts. That is part of what I call “smart power”—combining diplomatic, economic, informational and military efforts.

I have seen first-hand the success of these smart power efforts. In Nangarhar Province, the Missouri National Guard Agriculture Development team gained the trust and cooperation of the local leaders. These Missourians have given Afghans in Nangarhar the skills they need to grow and harvest legitimate and sustainable crops. As a result, Afghan farmers are not only improving their own lives and land, but poppy production in the region has virtually been eliminated. I am confident that General McChrystal will support increased focus and investment in smart power efforts such as these.

General McChrystal understands how critical putting an “Afghan face” on our combat operations is to our ultimate success. I was pleased that when we talked about accomplishing this goal by improving our efforts to train

the Afghan National Army and Police, General McChrystal acknowledged the Afghan component is essential to any successful COIN strategy. Years of special operations experience has led him to know inherently how important it is to have the populace gain confidence in its own government institutions. Having met with the general in Iraq and seen the good work he did there, having watched his work on the Joint Staff, and having spoken with him at length over the past several weeks, I can unequivocally state that he is the kind of officer who intends to do just this—build public trust in Afghanistan.

Just look at his testimony. According to the general, more intelligence, surveillance and reconnaissance (ISR) is good not only because it gives you a better understanding of the battle space, but also because it increases precision which ultimately reduces civilian casualties. Reducing civilian casualties is a must and will gain trust in Afghanistan.

General McChrystal also believes that corruption is “one of the things that must be reduced for the government to be legitimate, and therefore for the people to trust it.” The general intends for us to partner with Afghans at every level to help them rid or reduce the widespread corruption because it has a corrosive effect on the legitimacy of the government and is perceived by the Afghan people to be a real problem. This will also gain trust in Afghanistan.

Finally, he believes it is important that we succeed in Afghanistan not only because it removes access to safe havens for al-Qaida and associated groups, but because it is the right thing to do. According to the general’s testimony, “we have the ability to—to support the people of Afghanistan and to move and to shape a better future that they want. And I think that that will make a difference in how we are viewed worldwide.” This gains trust in general.

Everything I have seen or heard about Lieutenant General McChrystal, from my conversations with him and from his testimony before the Senate Armed Services Committee, his impeccable record of military command and operations, to the comments of his fellow officers, tells me that Stan McChrystal will be a wise, measured, and excellent commander of our operations in Afghanistan. I strongly urge my colleagues to support this nomination without delay so General McChrystal can get on the ground.

I thank the Chair, and I particularly thank my distinguished colleague from Utah.

#### CONFIRMATION PROCESS

Mr. HATCH. Mr. President, I wish to associate myself with the remarks and concerns expressed earlier by both the Judiciary Committee’s ranking member, Senator SESSIONS, and the distinguished Republican leader and whip, Senators MCCONNELL and KYL.

The White House talking points tell us that the Supreme Court nomination, Judge Sonia Sotomayor, has more Federal judicial experience than any Supreme Court nominee in a century. My friends on the other side of the aisle have taken, used, and aggressively circulated these talking points. I assume by stressing judicial experience they are saying that this overwhelmingly deep, broad, and vast judicial record provides the basis on which to judge the nominee’s fitness for the Supreme Court. Well, that coin has two sides. The flip side is that a 17-year judicial career that has produced thousands of judicial decisions takes time to evaluate adequately and properly to consider. The question is whether the majority is at all interested in a genuine, serious, deliberative process by which the Senate can fulfill one of our most important constitutional responsibilities. This process should be fair and thorough. Instead, it is being rigged and rushed for no apparent reason other than that the majority can do so.

This process should be bipartisan, and instead it is becoming entirely partisan. The ranking member was not even given the very same courtesy that the chairman was given when he was in that position at the time of the previous Supreme Court nominations.

Let me focus on the process followed to consider the previous Supreme Court nominee, Justice Samuel Alito. He had served on the U.S. Court of Appeals for the Third Circuit for more than 15 years when he was nominated to the Supreme Court. This is 5 years longer than Judge Sotomayor has served on the Second Circuit and nearly the same as Judge Sotomayor’s combined judicial service on both the district and circuit courts.

The other party demanded and was granted 70 days from the announcement of the nomination to the hearing to study then-Judge Alito’s record. The Senator from Pennsylvania, Mr. SPECTER, was chairman at the time. He made no unilateral partisan announcements. He imposed no truncated, limited timeframe. No, he consulted the ranking member, and they agreed there would be 70 days to study that voluminous judicial record.

Oh, what a difference an election makes. With the unilateral partisan edict announced today by the chairman, we are being given only 48 days to study the same lengthy record. We are told we must consider the largest judicial record in a century in the shortest time in modern memory, and that is simply not enough. It is not enough to do the job right, and I would remind my friends on the other side that it was their leaders who once said that it is more important to do it right than to do it fast. That was when there was a Republican President and a Republican Senate. Are we to assume from the unilateral imposition of a stunted and inadequate process that the majority today no longer cares that the confirmation process be done right, only that it be done fast?

The chairman has actually suggested that he really has no choice, that some intemperate criticism by a few people has somehow forced his hand. He cannot be serious about this. This nominee has the full force and weight of no less than the entire administration of a currently popular President, a compliant media, and the largest partisan congressional majority in decades to come to her defense. Interest groups are mobilizing, lobbying campaigns are in full swing, Web sites are already in operation. With all of that, are we to believe a few ill-considered remarks by a few people outside this body are enough to cut the confirmation process off at the knees? Are we to believe this is all it takes to set aside fairness, to undercut the ability of the Senate to do its confirmation duty, and to inject this degree of partisanship and rancor into the process? Give me a break.

This is choice, plain and simple, and it is the wrong choice. The distinguished Senator from New York, Mr. SCHUMER, has said that Senators on our side of the aisle oppose this nominee at their peril, as if there is any peril in fairly applying basic principles and standards to this as well as to other nominees. But the distinguished majority leader has apparently said the same thing to Senators on this side of the aisle, literally daring any of them to vote against this nominee. That is a strange tactic, indeed, especially so publicly and so early on in the process. It makes me wonder whether there are concerns, even on the majority side, that the leadership simply cannot allow to be expressed.

I urge my friends on the other side to reconsider and not be intimidated and not be pushed around. There is more than enough time to do the confirmation job right, to have a fair and thorough process that can have a confirmed Justice in place when the Supreme Court begins its term in October. There is no need gratuitously to further politicize the confirmation process. Injecting such partisanship at the beginning easily can result in greater conflict and division further down the confirmation road, and that is not good for Judge Sotomayor or anybody else in this body. That is not in the best tradition of the Senate, it is not how the Supreme Court nominations have been considered in the past, and it is not the way we should do this today.

I have been informed there have been some 4,000 decisions. My gosh, it is going to take some time to go through those decisions.

I believe we ought to be fair in this body, and fairness means giving enough time to be able to do the job properly and to get it done within a reasonable period of time and not be pushed in ways that really don't make sense.

#### HEALTH CARE REFORM

Mr. HATCH. Mr. President, I wish to take a few minutes now to talk about the perils of creating a government

plan on American families and health care.

I am very disappointed that the President and my friends on the other side of the aisle have chosen to pursue the creation of a new government-run plan—one of the most divisive issues in health care reform—rather than focusing on broad areas of compromise that can lead us toward bipartisan reform in health care legislation.

Yesterday, I spearheaded a letter with my Republican Finance Committee colleagues urging the President to strike a more conciliatory tone on health care reform. Having played a profound role in almost every major health care legislation for the last three decades and having worked repetitively in a bipartisan manner with everyone from Senators KENNEDY and DODD to Congressman WAXMAN, I know something about getting things done for our families in a thoughtful manner. You advance legislation by focusing on areas of compromise, not strife.

First and foremost, let me make this point again, even though I am starting to sound like a broken record: Reforming our health care system to ensure that every American has access to quality, affordable, and portable health care is not a Republican or Democratic issue; it is an American issue. When we are dealing with one-sixth of our economy, it is absolutely imperative that we address this challenge in a bipartisan manner. Anything less would be a huge disservice to our families and our Nation.

Clearly, health care spending continues to grow too fast. This year will mark the biggest ever 1-year jump in health care's share of our GDP—a full percentage point to 17.6 percent. You can think of this as a horse race between costs and resources to cover these costs. The sad reality is that costs win year after year.

Growing health care costs translate directly into higher coverage costs. Since the last decade, the cost of health coverage has increased by 120 percent—three times the growth of inflation and four times the growth of wages. It is not the only problem, but cost is one part of the reason more than 45 million Americans do not have health insurance.

I believe we need to do more to ensure we achieve universal and affordable access to quality health care for every American. We can do this by reforming and improving the current system. However, the creation of a government plan is nothing more than a backdoor approach to a Washington-run health care system.

At a time when major government programs such as Medicare and Medicaid are already on a path to fiscal insolvency, creating a brand new government program will not only worsen our long-term financial outlook but also negatively impact American families who enjoy the private coverage of their choice.

To put this in perspective, as of this year, Medicare has a liability of almost

\$39 trillion, which in turn translates into a financial burden of more than \$300,000 per American family.

In our current fiscal environment, where the government will have to borrow nearly 50 cents of every dollar it spends this year, exploding our deficit by almost \$1.8 trillion, let's think hard about what we are doing to our country and our future generations.

The impact of a new government-run program on families who currently have private insurance of their choice is also alarming. A recent Milliman study estimated that cost-shifting from government payers, specifically Medicare and Medicaid, already costs families with private insurance nearly \$1,800 more each year. Creating another government-run plan will further increase these costs on our families in Utah and across the country.

Let me make a very important point. A new government plan is nothing more than a Trojan horse for a single-payer system, a one-size-fits-all government-mandated system, where we are going to put bureaucrats between you and your doctors. Washington-run programs undermine market-based competition through their ability to impose price controls and shift costs to other purchasers.

The nonpartisan Lewin Group has concluded that a government plan open to all, and offering Medicare-level reimbursement rates, would result in 119.1 million Americans losing their private coverage. This is almost three times the size of the entire Medicare Program, which is already in trouble. More important, this would run contrary to the President's own pledge to the American families about allowing them to keep the coverage of their choice. So far as I know, no one has disputed the Lewin Group. They are well known as one of the most nonpartisan groups in the country.

Proponents of this government plan seem to count on the efficiency of the Federal Government in delivering care for American families, since it is already doing such a great job with our banking and automobile industry.

Medicare is a perfect example. It is on a path to fiscal meltdown, with Part A already facing bankruptcy within the next decade, and we all know it. It underpays doctors by 20 percent and hospitals by 30 percent, compared to the private sector, forcing increasing numbers of providers to simply stop seeing our Nation's seniors. According to the June 2008 MedPAC report, 9 out of 10 Medicare beneficiaries have to get additional benefits beyond their Medicare coverage—9 out of 10.

We have a broken doctor payment system in Medicare that has to be fixed every year, so seniors can continue to get care. This year alone, this broken formula calls for a more than 20-percent cut. I can keep going, but the point is simple: Washington and a government-run plan is not the answer.

Talk about creating problems. The supporters of the government plan