only'' outlets. However, we will conduct market analyses to ensure that there is sufficient representation of GM dealers so that we meet the needs of customers, especially in rural areas.

GM TECHNICIAN PLACEMENT

GM is proud of the dealer technicians who service GM vehicles. Many of these technicians are highly trained and possess multiple technical certifications. Factory trained individuals with these skills and credentials are highly sought after in the industry. GM shares your concern that these technicians may lose their current positions. In response to your letter, we commit to taking actions, such as by making training records and certifications available, with technician consent, to employment services and resume sites. In addition, we have already begun a review with our National Dealer Council to develop ideas on how GM can help the dealers' technicians transition to other dealers.

General Motors appreciates the support of Congress and President Obama and takes very seriously our responsibility to create a healthy GM for generations to come. Thank you for the opportunity to respond to your concerns.

Sincerely,

FREDERICK A. HENDERSON,
President and Chief Executive Officer.

CHRYSLER LLC,
Auburn Mills, MI, June 12, 2009.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN ROCKEFELLER AND RANKING MEMBER HUTCHISON: Thank you for the opportunity to respond to the concerns raised in your June 9 letter. As I highlighted last week at the Senate Commerce Committee hearing, it is critically important that the new Chrysler Group have a viable, realigned dealer network on day one. Despite a painful restructuring, Chrysler Group LLC will retain 86% of Chrysler dealers by volume and 75% by location. I can empathize with the dealers who were not brought forward into the new company, and can understand their disappointment. This has been the most difficult business action I have personally ever had to take.

The concerns you have raised are addressed in order below:

VEHICLE INVENTORY, PARTS AND SPECIAL TOOLS

Regarding the concerns you have outlined relative to inventories, parts and special tools, Chrysler has made a commitment to its discontinued dealers that 100% of the inventory on their lots will be purchased at cost minus a $350 inspection, cleaning and transport fee. Through a letter dated June 5, 2009 Chrysler informed all discontinued dealers that we will guarantee the re-distribution of 100% of eligible vehicle inventory. We have successfully found buyers for 100% of the outstanding vehicle inventory, and dealers requesting our assistance have received commitments for 80% of their parts inventory.

We will continue to work with the discontinued dealers to redistribute their parts inventory for the next 90 days. After that time we will commit to repurchase remaining qualified parts inventory from those dealers at the average transaction price for all parts already redistributed. We will also continue to work to redistribute all remaining special tools.

DEALER TERMINATIONS AND MARKET RE-ENTRY

While some profitable dealers were not retained by Chrysler, it is important to note that profitability alone is not an adequate measure and is one of several elements that determine a dealer's viability and value to Chrysler. The factors we considered in making these decisions included:

Total sales potential for each individual market

Each dealer's record of meeting minimum sales responsibility

A scorecard that each dealer receives monthly, and includes metrics for sales, market share, new vehicle shipments, sales satisfaction index, service satisfaction index, warranty repair expense, and other comparative measures

Facility that meets corporate standards

Location in regard to optimum retail growth area

Exclusive representation within larger markets (Dualed with competitive franchise)

Opportunity to complete consolidation of the three brands (Project Genesis)

Dealers may be profitable while not meeting their Chrysler new vehicle ''minimum sales responsibility'' level. For example, a dealer may focus on maintaining a low cost structure through a lack of modernization, a heavy emphasis on used vehicles, lack of investment in training and capacity. Therefore, a dealer could be profitable while not meeting their new vehicle sales and customer satisfaction obligations.

Also, we understand and value the loyalty and experience represented in many of the discontinued dealers. As we consider market re-entry or expansion in the future.

Chrysler Group LLC will commit to provide non-retained dealers with an opportunity for first consideration of new dealerships that the company may contemplate.

PROVIDING TRANSPARENCY IN THE DECISION-MAKING PROCESS

To achieve the necessary realignment, we used a thoughtful, rigorous and objective process designed to have the least negative impact while still creating a new dealer footprint scaled to be viable and profitable for the long-term. Factors in the decision-making are outlined in the second question above.

Upon request, we will share with any dealer the rationale and specific data used in making the decision on the dealer separation.

CONSUMER PROTECTION

Bankruptcy is a very difficult process requiring hard choices and painful decisions. The bankruptcy process has impacted all existing stakeholders. With a failed enterprise, there are many who suffer significant losses. Traditionally in a bankruptcy, liabilities such as product liability claims are not carried forward into the new enterprise. The judge found this decision to be within the debtor's sound business judgment, and it is a customary bankruptcy outcome. Any product-related claims arising from vehicles sold by the New Chrysler will be addressed by the new company. This is consistent with the goal of a Chapter 11 bankruptcy, which is to create a framework enabling a vibrant, sustainable new company to emerge.

CONSUMER ACCESS TO SERVICE IN RURAL AREAS

There will be over 2,300 remaining Chrysler, Jeep and Dodge dealerships conveniently located with the parts and trained technicians to service consumers' vehicles. Based on registration data, our customers reside an average of 6.28 miles from the nearest Chrysler, Jeep or Dodge dealer now; this distance will increase to 6.80 miles after the consolidation. With regard to rural dealers, the distance increases from 9.72 to 10.70 miles. Even with the consolidation, our dealers on average are more conveniently located to customers than Toyota or Honda dealers are to their customers.

Additionally, we will consider companion facilities to address potential sales and service issues in areas of concern. Chrysler will send a letter to all customers notifying them of the four nearest dealers who can provide service. It is not in Chrysler's interest to abandon existing customers to the detriment of future parts and new vehicle sales.

CUSTOMER CONVENIENCE COMPARISON

[Average distance in miles a customer must drive to reach a dealership]

	Old Chrysler	New Chrysler	Change chrysler	Toyota	Honda	Chevy	Ford
Metro	4.45	4.82	0.37	5.01	5.11	4.10	4.23
Secondary	6.08	6.44	0.36	7.38	7.58	5.69	5.76
Rural	9.72	10.70	0.98	19.27	24.27	8.04	8.69
Total	6.28	6.80	0.52	9.11	10.31	5.58	5.81

PLACEMENT ASSISTANCE FOR CHRYSLER TECHNICIANS

Chrysler is sensitive to the job loss associated with the non-retained dealers. In an effort to assist employees, a job posting website is currently being developed in partnership with Careerbuilder.com. This website will list jobs that are available at Chrysler dealerships nationwide to the extent such information is provided to us. Additionally, there will be a resource section to provide ''how to'' tips on items like resume building and job interview techniques.

Again, I appreciate your concerns and want to assure you that we are doing everything we can to support the dealers that are not going forward and to ensure that the new company going forward is successful.

Sincerely,

JAMES E. PRESS,
Vice Chairman & President.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. BINGAMAN. Mr. President, twice in the last 2 weeks I have asked a unanimous consent to proceed to consider Calendar No. 97. I would like to do that again at this time. We have advised the Republican side of the aisle I will be doing that, so I will proceed with that at this point.

Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hilary Chandler Tompkins to be the Solicitor of the Department of the Interior, that the nomination be confirmed, that the motion to reconsider be laid on the table, that no further motions be in order, that any statements relating to the nomination be printed in the RECORD, that upon confirmation the President be immediately notified of the Senate's action, and that the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mrs. HUTCHISON. Mr. President, I do object.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. I object on behalf of the minority because they have not yet had time to clear this on our side, but certainly we will work with you going forward to be able to expedite this nomination.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, let me comment briefly. I regret objection has been raised again. This nomination was reported out of our Energy and Natural Resources Committee on April 30. Of course, we are now at June 17. There was no testimony at our committee hearing or no suggestion made by anybody that Ms. Tompkins was not qualified for this position. Clearly, she is qualified and well qualified for this position. She has served in important positions in our State government in New Mexico. She is, by education and experience, eminently qualified to be the Solicitor.

I also point out to my colleagues, she is the first Native American to be nominated by the President to be the Solicitor for the Department of the Interior, and she is the second woman in the history of this country to be nominated to be the Solicitor of the Department of the Interior.

This is an extremely important position. Secretary Salazar is trying very hard to put together a team of people who can help him to do the job of Secretary of Interior, and he needs a person in this Solicitor's office he can depend upon. He has chosen her to be that person.

To my mind, it is unacceptable for us to continue denying him the choice he has made, and the choice President Obama has made, for the Solicitor's office. It is very unfair to Ms. Tompkins to be denying her this position. Frankly, I have great difficulty understanding why she was singled out.

There have been a great many nominees who have come before the Senate in the last couple of months in connection with the Department of the Interior responsibilities. Why we would be singling her out and holding her up while others have been approved I have great difficulty understanding.

My colleagues say they need additional time. Frankly, I cannot understand what the additional time relates to. I know of no questions that need to be looked at. I know of no objections that have been raised to her nomination.

I hope that if there is anything, any additional investigation or question that continues to exist on the Republican side, they would resolve that here in the next day or two so we can complete this nomination and get on with other business. But this is a very unfair situation with regard to this nominee. In my view, there is no justification for it. I know the Presiding Officer, Senator UDALL, and I will continue to pursue this repeatedly over the coming days until this matter is resolved and she can be confirmed. I believe that once permission is given for her nomination to be voted on, she will be overwhelmingly confirmed. That is as it should be. But due to the arcane rules that we operate under in the Senate, the Republican Members have chosen to hold up this nomination very unfairly, in my view, and I think we will have to revisit it again in the next few days.

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

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

The bill clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

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

HEALTH CARE REFORM

Mr. KYL. Mr. President, I have been talking about, over the last several days, health care reform which is urgently needed. No one is satisfied with the status quo. We have all heard unfortunate stories about Americans who cope with health insurance. All Americans deserve access to high-quality health care. In a country as innovative and prosperous as ours, we can achieve that goal. Republicans believe we can do so by putting patients first. We believe Americans should be trusted with their own money to make wise decisions about the health care plan that best fits their family's needs. We do not believe forcing everyone into a one-size-fits-all, Washington-run system, as the President wants, is the solution to our health care problems. Indeed, we believe a Washington takeover would create a whole new set of problems, the likes of which are experienced every day in countries such as Canada and Great Britain.

President Obama often says if you are insured and you like your current health care, you can keep it. But as I pointed out several times, the President's plan would, in fact, force millions of Americans into the government system by providing incentives for their employers to eliminate their coverage. Government-run health care systems in Canada and Great Britain have, over and over, failed the very patients they were created to serve. Access to doctors, tests, treatments, and medications is limited. Patients wait through painful months and years to get the treatment they need. The longer they wait, the more their conditions worsen. Medications are sometimes unavailable or the government may refuse to pay for them, despite the guarantee of universal coverage to all. Innovation and new medical technologies are not encouraged because they would lead to higher costs. Patients deal with bureaucratic hassles as they try to navigate their way through an overly complicated maze of rules. Americans want health care reform, but they don't want to experience the rationing and the ordeals that a government system would create.

As opposition to this public option idea or Washington takeover grows, some Democrats have been trying to disguise this takeover with a new name. They have come up with the idea of calling it a health insurance co-op. This started with a very good idea from the Senator from North Dakota but has evolved into simply another name for a government-run insurance company. As we all know, a co-op in its purest form is a business controlled by its own members. Co-ops form when communities unite to solve a common problem or exchange goods and services. In Arizona, we have more than 100 co-ops all across the State. Some communities use them to get fresh food, electricity, hardware, heating fuel or create credit unions. A bloated, Washington-run health care bureaucracy forced upon the public is not a co-op.

As former Secretary of Health and Human Services Michael Leavitt has written in a soon-to-be-published Fox News article he shared with me:

> A co-op that would be federally controlled, federally funded, and federally staffed sounds like the public option meets the new General Motors.

In the era of the GM takeover, Washington controls the purse strings, pays the bills, dictates the rules. The same would be true of a Washington health care co-op.

As Leavitt put it in this article:

> Washington healthcare would result in Americans being ''co-opted,'' rather than being given a ''co-op.''

Americans are also concerned about the cost of the bills being proposed on the Democratic side. The nonpartisan Congressional Budget Office's preliminary estimate shows that the bill in the HELP Committee or the draft bill created by the senior Senators from Massachusetts and Connecticut—the piece of legislation I am talking about—would cost a trillion dollars over the course of 10 years but only would reduce the number of uninsured by 16 million. So a trillion dollars to bring 16 million people into insurance status. For those who would be newly covered, the cost would be $65,185 per person for 10 years of coverage. That is

only a preliminary estimate for part of the plan. Of course, the preliminary estimate does not tell the whole story. What would it cost to cover the remaining 31 million who are thought not to have insurance or the millions who would be displaced from current private coverage with their employer into the public plan? Remember, I indicated that private employers would have no incentive to keep those people on their own rolls when it would be much cheaper to have them go to the government option.

The bill also provides subsidies for families whose incomes reach 500 percent of the poverty line which gets you close to $100,000.

The first question one has to ask in these circumstances is, How do we pay for all of this, and who will pay. We are all familiar with the huge expenditures of this government since the beginning of the year on the so-called stimulus package, the so-called omnibus bill, the budget that has been provided, and now the supplemental that we will probably be taking up tomorrow, all of which adds trillions of dollars in more debt, more debt than all the other Presidents and Congresses of the United States put together. In fact, double that, and that is how much debt is created in just one budget of President Obama.

We add on top of all of that a trillion, 2 trillion, who knows how much to try to find coverage for about 45 million people. We have not had the answers to the questions yet of how we would pay for it and who would pay, but we have seen proposals that range from taxes on beer and soda to juice, salty foods, eliminating charitable tax deductions. We even heard about a value-added tax that would tax everyone regardless of income. Would there be anything left that the Federal Government does not tax at the end of this?

The HELP Committee would also establish a new prevention and public health investment fund. We don't know all the details, but what we have heard is that, it would direct billions of dollars to the government to do healthy things. Like what? Like building sidewalks and establishing new government-subsidized farmers markets. The idea is to encourage healthier lifestyles. I suppose that creating sidewalks so people can jog on sidewalks creates healthy lifestyles. I was at a farmers market this weekend. I didn't notice any Federal subsidies. I am sure the vegetables there are good for everybody, and it would be nice to have more farmers markets. But should the government be spending a lot of money on things such as that in the guise of trying to provide healthier Americans so we have less costly insurance? Encouraging healthier life styles is fine, but I don't think this is the kind of reform the American people have in mind. It is also indicative of a very wasteful and inefficient system, whenever it is run by the Federal Government in Washington.

We all believe that families who can afford insurance should be helped. There are ways to do that. The poorest Americans are already eligible for Medicaid, and we should see to it that Medicaid and Medicare are strong and that everyone who is eligible signs up for them. One of the reasons there are so many uninsured is that many of the people who are eligible for private insurance or Medicaid have not signed up. We could get them signed up for that.

That leads to another question about Washington-run health care. Will increased demands for government health care diminish the quality of care that is now received by America's seniors in Medicare? That is an important question for seniors to contemplate. They want Congress to find ways to ensure Medicare is solvent. They don't want us to divert the program's resources into a massive new entitlement for everyone. Yet we all know, as the President himself has said, that Medicare is not solvent. It is not sustainable. Now we are going to add additional burdens and expect that there would not be any negative impacts on America's seniors. I find that hard to believe.

I haven't read anything in the Congressional Budget Office's preliminary report that makes me more optimistic about this. The preliminary numbers should make us even more weary of adding a new government program.

Finally, we are told we must hurry up and pass the health care reform President Obama wants for the sake of the economy. The President pitched this same argument to Congress as he rushed us to pass the stimulus, which was packed with debt and waste, the details of which are now coming to light thanks to a new report by Senator COBURN. The reality is, the bulk of the money we passed for the stimulus should simply not be spent. That will not be efficiently spending taxpayer dollars. I argued at the time that rushing to borrow money to pass such an expensive and complex bill was irresponsible and a disservice to taxpayers. Administration economists insisted that if Congress hurried to pass the stimulus, unemployment would peak at 8 percent. Four months later, unemployment has now reached 9.4 percent, and here we are again being pressured to hurry up and spend another trillion taxpayer dollars.

Republicans will not be rushed into passing the Democrats' health care bill. We are going to ask the tough questions. I think our constituents deserve answers to those questions. Based upon the track record so far, I wouldn't say the experts who have told us don't worry about the cost, everything will be fine, have not guessed right, as the Vice President said last Sunday. I don't think our constituents want us to hurry it. They want us to do it right. We want real reform, not more deficits, government waste, and unsustainable programs.

As we reform health care, we need an approach that makes sure the patients come first and that no government bureaucrat stands in the way of the doctors prescribing treatments and medications their patients need. The success of America is largely due to the individual freedom we all enjoy. Individual freedom triumphs when the doctor-patient relationship remains free of government intervention. We must continue our great tradition as we pursue the health care reforms we all want.

Let me comment on a piece of legislation Senator MCCONNELL and I introduced. I would love to have everyone cosponsor this legislation. I am hoping we can get it adopted soon before we take up health care reform because it will inform us as to how we should deal with health care reform on what could be the most important issue Americans find involved with this. Americans want their fellow citizens to be insured. They wanted costs to be kept in check so they can afford insurance. They want both those things. But they don't want their care, the care they believe in and they like, interfered with in order to achieve these other two goals.

One of the things they are most fearful of is that their care will be rationed. When we talk about saving money in Medicare in order to pay for insuring more Americans, seniors rightly question whether some of the care they have been getting is going to be denied them or that they will be delayed in getting that care.

One of the ways that could be accomplished is by using something the Congress has already passed called comparative effectiveness research. That stimulus bill I talked of earlier appropriated $1.1 billion to conduct comparative effectiveness research. It wasn't necessary because it is done in the private sector all the time. Hospitals, medical schools, associations, groups of people who want to find out which treatment is best for the most people conduct this kind of research all the time. Is drug X or drug Y better to treat people when they have a certain condition? They run tests to see how the different medications perform. They then give those results to physicians who use that information in prescribing to their patients. It is a way we have found that we can provide better quality care for more people. Sometimes, by the way, we can save money as well.

The point is not to try to figure out how to cut costs so we can deny certain care to people and, therefore, not have the cost of providing it. Unfortunately, that is one of the purposes to which this research could be put. It has been acknowledged by people both within the administration and without. The acting head of the National Institutes of Health, for example, talked about using this research for allocation of treatments.

Allocation of treatments is another way of saying rationing. You decide

which treatments to allocate and which ones not to. This is the way it is done in Great Britain and Canada. They do not have enough money to pay for all the health care that physicians prescribe, so they simply delay some of the care until it is not needed anymore or the person dies or they deny it. For example, one of the policies was not to prescribe a drug—well, the doctor prescribes the drug, but not to fill the prescription for an eye condition until the patient was blind in one eye. Then you could get the drug.

Americans do not want that. They do not want to have to suffer in that way when the medicines are available to treat them. What the government agency in Great Britain has said is: Look, we don't have enough money to give you all of the care your doctor says you need. We are going to have to make tough choices. We understand that will not please everyone. But there is no other way to use the limited dollars we have to provide this free care to everybody within the country.

What we are saying is, we do not want America to get to that point where you have to ration the health care. In Great Britain they have a term called ''QALY.'' It stands for Quality Adjusted Life Years: QALY. What they have literally done is to say that a person's life is worth between 20,000 and 30,000 pounds—I gather that is probably about $35,000 or $40,000—and that in a year of your life, I think it comes out to about $125 a day. If the health care the doctor has prescribed costs more than that, then in most cases you do not get it, even though the doctor says you need it, and he is willing to prescribe it and help you with the procedure or treatment or taking the drug.

I would hate to get to that point in the United States where we have an agency that says how much we think your life is worth every day—$125—and says: Well, if the prescription of the doctor costs more than that, you are out of luck, we are not going to pay for it.

Incidentally, the national health care system in Great Britain has an acronym for that agency; it is NICE. It is the National Institute for Health and Clinical Excellence, N-I-C-E: NICE—not so nice when you do not get the care your doctor says you need.

What Senator MCCONNELL and I have said is that the government cannot use this research, this comparative effectiveness research, for the purpose of denying your care. Obviously, it can be used for the purpose for which it was originally intended; namely, to figure out which treatments and prescriptions are best. But it cannot be used to deny treatment or service.

We obviously make an exception for the FDA, the Federal Food and Drug Administration, which can say a certain drug is dangerous to your health. Obviously, that would be exempted from this prohibition. But otherwise we say you cannot ration health care with comparative effectiveness research.

The bill pending before the HELP Committee actually creates an agency to use this research for that purpose. So there is a blatant attempt in the HELP Committee to use this research to ration care. Our legislation would stop that. We think we ought to pass it now to instruct the HELP Committee that we do not want that to happen.

In the Finance Committee, it is more indirect. A private entity would conduct the research. But there is nothing to prevent the Federal Government from using the results of the research to delay or deny your care, to ration care.

So for the bills that are being written in both committees, our legislation would provide direction that—whatever other reform we have—Americans are not going to have to worry about somebody getting in between their doctor and themselves, when the doctor says: I think you need this particular treatment, if their insurance provides for that. If not, there are other ways you can get the treatment; if it is a government program such as Medicare, you would be able to get the treatment. The government is not going to inject itself between you and your physician and say: You can't have that because it is too expensive.

That is all our legislation does. I would hope my colleagues would be willing to support that legislation to give direction to the two committees to ensure that they do not, in their zeal to cut costs, write legislation that would have the effect of rationing health care.

There are a lot of other concerns we have in putting this legislation together: concerns about a government-run insurance company to compete with the private insurance companies; a requirement that all employers provide health care, which, of course, would substantially add to their costs and might result in their hiring fewer people or paying the people who they do hire less money.

There are a lot of different concerns we have. But, in my mind, the most serious one is this concern about rationing. Everybody wishes to lower costs. But the one way we cannot lower costs is by having the U.S. Government tell you that you cannot get medical care your doctor says you need.

Let me conclude with this point: If you will think back, think back 100 years ago to the year 1908. How much health care could you buy at the turn of the last century, say the year 1900, 1908? The answer is, not very much. Think back about 40 years before that, when President Lincoln was assassinated and the kind of treatment he got. It almost seems barbaric in our modern way of looking at things that there was not anything available to save his life.

Now think of the incredible inventions and breakthroughs in medical science in the last 100 years, in the last 50 years, in the last 10 years. Things have been invented. New medications, new pharmaceutical drugs, medical devices, new kinds of surgery, ways of treating all kinds of conditions have evolved so rapidly that we are extraordinarily fortunate to be able to buy all of this health care.

So when people say we are spending too much on health care, I am not sure that is totally correct. To the extent there are more efficiencies in the system that can be brought to bear, of course we want to do things to incent those incentives. That is what some of the Republican proposals would do. But what we do not want to do is to put a government bureaucrat in between you and this incredible new medicine that is being invented every day.

We should be glad we can spend more on health care if it is much better health care. As one of the experts in this area said: In 1980, if you had a heart attack, after 5 years, your chances of survival are about 60 percent. If you have that same heart attack today, your chance of survival is about 90 percent—so from 60 percent to 90 percent survival in a few years, based upon new medical breakthroughs. It costs a little more money. The question is, would you rather have 1980s health care at 1980s prices, or health care that is available today at today's prices? I submit almost all of us, when we are thinking about a loved one in our family, would say: I want the very best there is, the very best we can get.

That is why Republicans say we want insurance to be affordable for everyone so that at least, if nothing else, for that catastrophic event in your life—such as a heart attack, for example—you will have all of the latest health care that America has available, and it will be paid for so you will have high-quality care.

In some of these other countries, they say: We are sorry. We can't afford that. We can't afford to spend money on all these new breakthroughs. We are basically stuck with what we could afford back in 1980, for example. And good luck. We know that is not going to help you all that much with your illness, but that is all we can afford to pay.

That is what we are trying to avoid. We are trying to take a very small step first and say that, at a minimum, nothing in this legislation would allow the government to use comparative effectiveness research to ration our care. I do not think that is too much to ask. I would ask all of my colleagues to join Senator MCCONNELL and me in sponsoring that legislation and seeing to it we can get it passed for the benefit of our families and our constituents.

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

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

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

Mr. GRAHAM. Mr. President, I see Senator BENNETT from Utah. How would the Senator like to do this I have about 5 minutes.

Mr. BENNETT. Mr. President, I wish to speak for 10 minutes in morning business following Senator GRAHAM, and I ask unanimous consent to proceed on that basis. I will be speaking as in morning business, as I assume the Senator will be.

Mr. GRAHAM. That is correct.

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

DETAINEE ABUSE PHOTOS

Mr. GRAHAM. Mr. President, I come to the floor to acknowledge an agreement I have reached with the majority leader and the administration regarding the issue of detainee abuse photos. I think, as my colleagues are well aware, there are some photos of alleged detainee abuse that have existed for several years; more of the same, nothing new. The President has decided to oppose their release.

The ACLU filed a lawsuit asking for these photos to be released. General Petraeus and General Odierno are the two combat commanders, and I ask unanimous consent that their statements be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the lawsuit said if these photos are released, our enemies will use them against our troops. These photos will incite additional violence against men and women serving overseas and Americans who are in theater. There is nothing new to be learned, according to the President. I agree with that. These are more of the same. The people involved at Abu Ghraib and other detainee abuse allegations have been dealt with. The effect of releasing these photos would be empowering our enemies. Every photo would become a bullet or an IED. I wish to applaud the President for saying he opposes their release.

The status of the lawsuit is that there is a stay on the second circuit order that would allow the photos to be released until the Supreme Court hears the petition of certiorari filed by the Supreme Court.

I have been promised two things that were important to me to remove my holds and to let the supplemental go without objection. No. 1, there would be a freestanding vote on the Lieberman-Graham amendment, the legislative solution to this lawsuit. The Senate has previously allowed this legislation to become a part of the supplemental war funding bill. It would prevent the disclosure of these photos for a 3-year period. If the Secretary of Defense said they were harmful to our national security interests, it could be renewed for 3 years. Senator REID has indicated to me that before July 8 we will have a chance to vote on that provision as a freestanding bill, which I think will get the Senate back on record in a timely fashion before the next court hearing.

Secondly, I wanted to be assured by the administration that if the Congress fails to do its part to protect these photos from being released, the President would sign an Executive order which would change their classification to be classified national security documents that would be outcome determinative of the lawsuit. Rahm Emanuel has indicated to me that the President is committed to not ever letting these photos see the light of day, but they agree with me that the best way to do it is for Congress to act.

So in light of that, I am going to remove my hold on the bills I have a hold on, and I will support the supplemental. Because I think it is very important for our soldiers, airmen, sailors, marines—anybody deployed—civilian contractors and their families to know there is a game plan. We are going to support General Petraeus and General Odierno and all our combat commanders to make sure these photos never see the light of day. I think we have a game plan that will work. It starts with a vote in the Senate. I am urging the House to take this up as a freestanding bill. There were 267 House Members who voted to keep our language included in the supplemental. It was taken out. I am very disappointed that it was taken out, but we now have a chance to start over and get this right sooner rather than later.

With that understanding, that we are going to get a freestanding vote on the Lieberman-Graham amendment and that the administration will do whatever is required to make sure these photos never see the light of day if Congress fails to act, I am going to lift my hold on all the legislation and support the supplemental. I look forward to taking this matter up as soon as possible.

I thank the Chair, and I yield the floor.

EXHIBIT 1

AMERICA'S TOP GENERALS WARN AGAINST PHOTO RELEASE

DECLARATION OF GENERAL DAVID H. PETRAEUS, COMMANDER OF THE UNITED STATES CENTRAL COMMAND

Endangering the Lives of U.S. Servicemen and Servicewomen

''The release of images depicting U.S. servicemen mistreating detainees in Iraq and Afghanistan, or that could be construed as depicting mistreatment, would likely deal a particularly hard blow to USCENTCOM and U.S. interagency counterinsurgency efforts in these three key nations, as well as further endanger the lives of U.S. Soldiers, Marines, Airmen, Sailors, civilians and contractors presently serving there.'' (Declaration of General David H. Petraeus, ¶2, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Threaten Troops in Afghanistan

''Newly released photos depicting, or that could be construed as depicting, abuse of detainees in U.S. military custody in Iraq and Afghanistan would place U.S. servicemen in Afghanistan at heightened risk and corrosively affect U.S. relations with President Karazai's government, as well as further erode control of the Afghanistan government in general.'' (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

''An influx of foreign fighters from outside Afghanistan and new recruits from within Afghan could materialize, as the new photos serve as potent recruiting material to attract new members to join the insurgency. . . . Attacks against newly-arriving U.S. Marines and soon-to-arrive U.S. Army units in the south, and transitioning U.S. Army units in the east, could increase, thus further endangering the life and physical safety of military personnel in these regions.'' (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

''In addition to fueling civil unrest, causing increased targeting of U.S. and Coalition forces, and providing an additional recruiting tool to insurgents and violent extremist groups, the destabilizing effect on our partner nations cannot be underestimated.'' (Declaration of General David H. Petraeus, ¶12, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Turn Back Progress in Iraq and Incite Violence

''Newly released photos depicting abuse, or that could be construed as depicting abuse, of Iraqis in U.S. military custody would inflame emotions across Iraq and trigger the same motivations that prompted many young men to respond to calls for jihad following the Abu Ghraib photo release. After the Abu Ghraib photos were publicized in 2004, there was a significant response to the call for jihad, with new extremists committing themselves to violence against U.S. forces. Al-Qaeda in Iraq (AQI) and Sunni insurgents groups in Iraq will likely use any release of detainee abuse images for propaganda purposes, and possibly as an opportunity to widen the call for jihad against U.S. forces, which could result in a near-term increase in recruiting and attacks.'' (Declaration of General David H. Petraeus, ¶7, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Help Destabilize Pakistan

''Newly released photos depicting abuse of detainees in U.S. military custody in Afghanistan and Iraq would negatively affect the on-going efforts by Pakistan to counter its internal extremist threat.'' (Declaration of General David H. Petraeus, ¶8, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

DECLARATION OF GENERAL RAYMOND T. ODIERNO, COMMANDER OF MULTI-NATIONAL FORCE—IRAQ (MNF–I)

Release of Photos will Result in Harm to U.S. Soldiers

''The 2004 publication of detainee photos resulted in a number of posting on internet websites. Perhaps the most gruesome of internet reactions to the photo publication was a video posted in May 2004 showing the decapitation murder of U.S. contractor Nicholas Berg. A man believed to be Zarqawi specifically made the linkage between the abuses at Abu Ghraib and Berg's murder saying, And how does a free Muslim sleep comfortably watching Islam being slaughtered and [its] dignity being drained. The shameful photos are evil humiliation for Muslim men and women in the Abu Ghraib prison. . . . We tell you that the dignity of the Muslims at the Abu Ghraib prison is worth the sacrifice of blood and souls. We will send you coffin

after coffin and box after box slaughtered this way.'' (Declaration of General Raymond T. Odierno, ¶8, 9, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

''I strongly believe the release of these photos will endanger the lives of U.S. Soldiers, Airmen, Marines, Sailors and civilians as well as the lives of our Iraqi partners. Certain operating units are at particular risk of harm from release of the photos. One example is our training teams throughout Iraq. These are small elements of between 15 and 30 individuals who live on Iraqi-controlled installations and thus do not have the same protections afforded to many of our service members. In addition, as they assist our Iraqi partners, members of such teams are regularly engaged in small-unit patrols, making them more vulnerable to insurgent attacks or other violence directed at U.S. forces. Accordingly, there is good reason to conclude that the soldiers in those teams and in similarly situated units would face a particularly serious risk to their lives and physical safety.'' (Declaration of General Raymond T. Odierno, 4, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

''MNF–1 will likely experience an increase in security incidents particularly aimed at U.S. personnel and facilities following the release of the photos. Incidents of spontaneous violence against U.S. forces, possibly including attacks from outraged Iraqi police or army members are likely. Such increased attacks will put U.S. forces, civilians, and Iraqi partners at risk of being killed, injured, or kidnapped. The photos will likely be used as a justification for adversaries conducting retribution attacks against the U.S. for bringing shame on Iraq.'' Declaration of General Raymond T. Odierno, ¶11, Motion to Recall Mandate, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Release of 2004 Photos Resulted in Successful Attacks Against U.S. Forces

''The public dissemination of detainee abuse photos in 2004 likely contributed to a spike in violence in Iraq during the third quarter of 2004 as foreign fighters and domestic insurgents were drawn to Iraq to train and fight. Attacks on C[oalition] F[orces] increased from around 700 in March 2004 to 1800 in May (after the photographs were broadcast and published) and 2800 in August 2004. Attacks on C[oalition] F[orces] did not subside to March 2004 levels until June 2008. These increased attacks resulted in the death of Coalition Forces, Iraqi forces, and civilians.'' (Declaration of General Raymond T. Odierno, Motion to Recall Mandate, ¶7, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

Increase Recruitment for Extremist Organizations and Incite Attacks

''I believe these images will be used to inflame outrage against the U.S. and be used by terrorist organizations to recruit new members. The release of the photos will likely incite Muslim idealists to join the cause to seek retribution for the dishonor they may perceive to have been brought against all Muslims by the U.S. inside Iraq, the publicity over the images could incite additional attacks on U.S. personnel by members of the Iraq Security Forces.'' (Declaration of General Raymond T. Odierno, Motion to Recall Mandate, ¶16, 2nd Circuit Court of Appeals, Docket No. 06–3140–cv)

The ACTING PRESIDENT pro tempore. The Senator from Utah.

GOVERNMENTAL POWER

Mr. BENNETT. Mr. President, when the Founding Fathers wrote the Constitution and gave us our government, they did so out of a deep distrust of the power of government coming out of their experience with King George, and they created a government that limits the use of power, deliberately setting up a system of checks and balances, a doctrine of separation of powers and so on, with which we are all familiar.

Out of that, Americans have become used to the idea that there are limits on governmental power, and one of the concerns I hear when I visit with my constituents in Utah is that they are afraid there are now no limits on governmental power, or at least there is certainly not enough limits on governmental power. I am asked: Where does it stop? The government can take over insurance companies. The government can take over financial institutions. The government can take over an automobile company. The government can dictate who gets to be chief executive and how much he or she will be paid. Aren't there supposed to be limits on governmental power?

Today, we have a proposal brought forward by the administration with respect to how the regulatory pattern for our financial institutions should be changed. As I look at that proposal, I ask the same questions my constituents are asking: Shouldn't there be some limits on governmental power? Isn't this going a bit far? Indeed, I think it is a legitimate question, and I wanted to address it for a moment.

First, let's understand a fundamental truth about the economy. That is that all wealth comes from taking risks. Farmers take risks when they plant seeds, not knowing what the weather is going to do. Businessmen and women take risks when they open businesses, not knowing what the market is going to do. New wealth comes out when we have a bumper crop. New wealth comes out when a business started in a garage turns into Hewlett Packard, but in every instance you take risks.

The second element that has to be added to risk-taking is the access to accumulated wealth. Sometimes it comes by a wealth you have accumulated yourself. Sometimes it comes from loans from your brother-in-law. Sometimes it comes from running up your credit card. Sometimes it comes from venture capitalists. In many instances, it comes from banks. But you take a risk, and you have to have access to some kind of accumulated capital or you cannot create new wealth.

All right. Why do people take risks? Because they expect there will be a reward in the form of a return on the capital they have taken. Whether it comes from a bank loan that they can pay back or from investor capital that will then receive dividends, there will be a reward. The risk/reward relationship is at the base of the growth and power of the American economy.

In the present crisis, we have had people saying: Yes, but there are some entities that are simply too big to fail, we must not allow them to fail, and particularly in the financial services industry. So that is why we have this proposal today from the Obama administration. They want to deal with systemic risk, as they call it, or those tier 1 entities which they describe as what I have just said: They are too big to fail and we are not going to allow them to fail, and this is the regulatory regime we will set up.

If there are companies or entities that are too big to fail, this regime is too big to function. It is so focused on preventing failure that it is stacked in such a way that it will penalize the risk taker and prevent the risk taker from taking a risk and therefore not reap any kind of a reward.

There is a heavy emphasis on consumer protection. I am all for that. I think we should have all of the kinds of regulations that say you need labels on things that might not be safe. That protects the consumer. You need nutritional information on things that might make you too fat, which protects the consumer. But let's not protect the consumer to the point where they cannot buy anything or, in this case, protect the system from any possible failure to the point that there is no risk and therefore ultimately no reward. By giving the Federal Reserve the kinds of powers this proposal does, we are moving down that road, and once again we are raising the question: Are there no limits on the amount of power that government can have and accumulate?

I am convinced that if this massive, new expansion of power in the hands of the government goes forward unimpeded, we will see the shutting off of sources of credit and therefore the contraction of the economy and ultimately the need for more bailouts, more expenditures of Federal funds to try to keep entities alive. They can stay alive if they can attract capital from the private markets, but that is risky. So if we say: No, we are not going to allow the risks, we shut off the incentive of the private market to invest in some of these entities or to loan money to some of these entities. And then we say: But the entity is so important to our economy that we cannot allow it to fail. So we turn to the taxpayer and say: Let's put more taxpayer money into the entity because it is too big to fail.

That is what I see down the road for this proposal. I may be wrong. But I point out that we in the Congress have, by law, created a commission to study what caused the present mess we are in and report back to the Congress. We wrote into that law a specific date—December 15, 2010—to make sure the commission had enough time to examine all of the possibilities, to delve deeply enough into the issue to fully understand it, and then report back to us with their findings. Now we are being told: Forget the commission. Forget the analysis of what happened. We

think we know. Let's put this regulatory regime in place—one that is too big to function—now. Let's do it quickly. Let's have it done by the August recess. All right, we can't get it done by the August recess. We are going to have health care done by the August recess, so we will do it before Halloween, or whatever artificial date some may choose to put on it.

The reality is, the issue is huge, the issue needs to be examined carefully, and we need to do it within the parameters of the basic suspicion the Founding Fathers had about the government. We should do it with an understanding that there are limits to government power and that government power has the capacity to damage the economy every bit as much as it has the power to help it move forward.

Mr. President, I say let's not move with the speed and haste we are hearing about this proposal. Let's subject it to the most careful examination we possibly can throughout the processes of Congress, and let's make sure that when we do make regulatory changes with respect to the financial institutions, we do them in a way that will not fail and that can properly function.

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

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ENERGY

Mr. DORGAN. Mr. President, I wish to visit about two issues, the first of which is a bill we passed out of the Senate Energy Committee earlier this morning. I wish to give some context to what we have done. It will perhaps not get as much notice as it should. Yet, it will be headed to the floor of the Senate to deal with energy policy, and it affects everybody virtually all of the time.

All of us get up in the morning and in most cases, flick a switch and turn something on. We plug something in or turn a key for an engine or a lightbulb or a toaster or an electric razor. In every way, energy affects our lives in a very profound manner, and what we did has a significant impact on our daily lives.

First, I will describe part of the challenge.

Every single day we stick little straws in the earth and suck out oil. Every single day, there are about 84 million barrels of oil taken out of the earth. It is a big old planet with a lot of people living on this planet, and of the 84 million barrels of oil we take out every day from the earth, one-fourth of it is destined to be used in the United States. We use one-fourth of the oil every day. Why? We have a standard of living in a big old country that is far above most other places in the world, and we want to drive vehicles. We use oil in a very substantial way. We have an enormous appetite for oil.

So here is the deal. One-fourth of all oil produced comes here because we need it and nearly 70 percent of the oil we use comes from outside of our country. Much of the oil produced comes from very troubled parts of the world, such as Saudi Arabia, Iraq, Venezuela, and other countries. So 70 percent of the oil we need comes from outside of our country and nearly 70 percent of the oil we use is used for our transportation system. So you see the dilemma here is that we are unbelievably dependent and vulnerable on something over which we have very little control. By that I mean that if, God forbid, tonight terrorists interrupted the supply of oil coming to this country from other countries, this economy of ours would be flat on its back. We are unbelievably dependent on oil from other countries, and we have to begin reducing our dependence. How do we do that?

By the way, as dependent as we are, we need to visit the events of last year once again and remember what happened: Speculators took control of the oil market and drove the price of oil to $147 a barrel in day trading. The price of gasoline went up to $4 to $4.50 a gallon. There was no excuse or justification for it. There was nothing in supply and demand that justified the price of oil and therefore the price of gasoline going up like a Roman candle and then in July last year starting to come right back down. The speculators, who made all the money on the way up, made the same money on the way down. The consumers who drove cars and pulled up to fill up with unbelievably expensive gasoline were the victims. Still nobody has done the investigation to ask the questions who did this and how did it happen. How is it that when the supply of oil is up and demand is down even while price rose?

I was prepared to offer an amendment this morning to the Energy Committee. I didn't have the votes to offer it, so I simply described it. I will offer it on the floor when the bill gets here. It requires the investigation and gives the Energy Information Administration the requirement to investigate and authority to subpoena information to to find out what happened. We need to do that to make sure it doesn't happen again. The price of oil is on the rise now, and it has gone from $38 to $70 a barrel even as supply is up and demand is down. Describe that to me, in terms of a market, how that works. It doesn't make any sense.

That is a little background of where we find ourselves. We are unbelievably dependent upon oil, much of which comes from troubled parts of the world, over which we have little control. We need to be less dependent on oil. How do we do that? We wrote an energy bill in the Senate Energy Committee that does a lot of everything. I believe in doing a lot of everything. I believe we ought to produce more oil and natural gas here onshore and in the Outer Continental Shelf. We should conserve more because we are prodigious wasters of energy. We should make all the things we use more efficient. Efficiency is an unbelievable component of what we can do to save energy. Further, we should maximize the capability of producing renewable energy.

The fact is, energy from the Sun shines on this Earth every day far in excess of the energy we need. If we are just smart enough and capable enough of doing all the research and science that allows us to use all that energy, then we can make progress.

The wind blows every day. At least where I come from, it blows every day. The Energy Department calls my State the Saudi Arabia of wind. So we take the energy from the wind and produce electricity. The fact is, once we put the turbine up, we can gather electricity from that wind for 30 years at very low cost.

I believe we ought to do everything, and that is what we have tried to do in this legislation. Key to that is not just collecting energy from the wind and turning it into electricity; it is also about being able to move it where it is needed.

I come from a sparsely populated State. My State is 10 times the size of the State of Massachusetts in terms of landmass and has only 640,000 people living in it. We don't need the additional energy produced from wind farms. We don't need that additional energy in my State. But we need it in the larger load centers in this country. In order to get it there, what we need to do is build an interstate highway of transmission capability which is capable of producing renewable energy where it is produced and then move it to where it is used. This is not rocket science.

We did this with highways in the 1950s. President Eisenhower and the Congress said: Let's build an interstate highway system, and they moved forward. In parts of rural areas, one might say: How can you justify building four lanes between towns where very few people live? Because we are connecting New York with Seattle, that is why. That is what the interstate was about—connecting America.

The same is true with respect to the need for transmission. What we have put in this legislation addresses the issues that have so far prevented us from building the transmission capability we need in this country. What are the key issues? Planning, siting, and pricing. If you cannot plan for, site or price them, then nobody is going to build them. All of those issues are critical to building an interstate transmission system.

In the last 9 years, we have built almost 11,000 miles of natural gas pipeline in this country. During the same period, we have only been able to build 668 miles of high voltage transmission lines interstate. Isn't that unbelievable? Why can't we do it? Because we

have all these bifurcated jurisdictions that can stop it, saying: Not here; not across my State lines.

We have passed legislation this morning that carries out some important things. This includes my amendment to open the eastern Gulf of Mexico for additional oil and gas production. That makes sense to me. I have a chart that shows what I did with this amendment.

I know one of my colleagues was on the floor having an apoplectic seizure about this suggestion of opening the eastern Gulf of Mexico for oil and gas exploration. He suggested that it was going to impede and cause all kinds of difficulties with the routes over which we have sophisticated, important military training.

I have been working with a group of retired military and business leaders on an energy plan. They are members of the Energy Security Leadership Council. In April, Senator VOINOVICH and I introduced the plan which we called the National Energy Security Act. Let me describe a little about the membership of that group. By the way, that group understood that the western and central Gulf are open for production. They believe that the eastern gulf should be open as well because there are substantial reserves of oil and natural gas in this eastern area. It can be done in a way that does not compromise our military readiness.

Among the membership of this group is former GEN P.X. Kelley; GEN John Abizaid; ADM Dennis Blair; ADM Vern Clark; GEN Michael Ryan; and GEN Charles Wald; and others. These are some of the highest military officials who have served this country, all of whom have retired, but all of whom also believe this area should be open for development.

Would they suggest that if this somehow would impede a military training area? Of course not. We have military training areas in the central and western gulf, and there is no issue there. There is no conflict.

This legislation is landmark in many ways. I was one of four Senators who opened this little area. Four of us—Senator Domenici, Senator BINGAMAN, Senator Talent and myself—offered legislation to open lease 181 in the gulf. That was about 3 years ago. That was opened, but it changed substantially before it was opened. This is another attempt to open that area, which should be open in the eastern gulf.

I understand there are people upset with it. They say: You can't open it for drilling. Let me show what my proposition is in terms of doing it responsibly: The states control the first 3 miles. After that, there would be no visible infrastructure allowed in the line of sight so you cannot see anything. Beyond, 25 miles there would not be restrictions. The fact is, I think what we ought to do this in a way in order to be sensitive to the coastal States. I am not interested in putting oil wells right off their beaches. That is not the point. My point is, if we are going to have an energy bill that solves America's energy problem by making us less dependent on foreign energy and especially foreign oil, then we ought to do something of everything to make that happen.

Does it include drilling and additional production? The answer is yes. Does it include substantial conservation? Absolutely. Efficiency? Yes. Maximizing renewables? Certainly. What else? We need to move toward a future in which we will have an electric drive system of transportation, by and large, and we will also then, in the longer term, transition to hydrogen fuel cell vehicles.

All of that is accomplished if we can make us less dependent on oil from outside our country by producing more here and conserving more here and then producing substantial amounts of additional energy from renewable energy such as wind and solar. We can produce electricity to put on a grid, a modern interstate highway grid, to move what we produce to where we produce it to where the loads are and where the load center is needed.

This is not some mysterious illness for which we do not know the cure. This is an energy policy that we know will work if we just will decide to do a lot of everything that represents our own self-interest: produce more, increase energy efficiency, and maximize renewables.

I have not mentioned one final point, and that is this: Our most abundant resource is coal. Yesterday I was reading, once again, a prognosis that we cannot use coal in the future. Of course, we can use coal, but we have to decarbonize it and use it much more efficiently. There are a lot of inventive scientific folks out there who are doing cutting edge research that will allow us to continue to use our most abundant resource—coal.

I talked about opening up fields of oil and gas production. I am making substantial investments through the appropriations subcommittee that I chair with respect to decarbonizing coal.

I am convinced we can build near zero emission coal-fired electric generation plants. I am convinced of that.

I know one of America's most prominent scientists who is working right now on something that is fascinating. He is working on developing synthetic microbes to consume coal from which would then produce methane gas. Wouldn't that be interesting? If you create a synthetic microbe to simply consume the coal and after consumption, the microbe turns coal into methane gas.

For example, there is another scientist in California who testified at a hearing I chaired recently about capturing carbon from a coal plant by capturing the flue gas and using the CO_2 by turning it into a value-added product that for making concrete which has value in the marketplace. This would help bring down the cost of decarbonizing coal.

I don't know. We have solved a lot of difficult problems in our past. We can surely solve these problems in our future if we are just smart and do a lot of things that work well for our country.

Mr. President, I compliment my colleagues—Senator BINGAMAN, Senator MURKOWSKI, and other Democratic and Republican colleagues on this committee. We have worked on this energy bill for some months. It has taken us a while to get to this point. But today, at long last, we passed this legislation by a bipartisan vote of 15–8. We will have it on the Senate floor at some point. We will have further debate about points of it. It is exactly what we ought to be discussing: How do we make America more secure? How do we make America less dependent on foreign oil and things over which we have no control or very little control? We must develop an energy program at home that makes a lot of sense, that does a lot of everything, and does it very well. I am happy say that we have made a positive step in that direction this morning in the Energy Committee.

FINANCIAL REFORM

Mr. President, I wish to talk about one other issue today, and that issue is something that has been announced by the President this afternoon. It deals with the President's plan for financial regulation. I know my colleague from Utah just described it from his perspective. I have great respect for him. Let me describe from my perspective why it is necessary for us to have a financial regulation package that requires some reform in those areas as well.

I don't think there is anything we can do in the Congress or that President Obama can do that is more important for the future of this country and lifting this economy and trying to put it back on track in a way that expands opportunity and creates jobs than to try to instill some confidence in the American people.

As I have said a dozen times on the floor of the Senate, this is all about confidence. We have all kinds of sophisticated things we work on and tax policy and M–1 B and all these other issues. None of it matters as much as confidence. When the American people are confident about the future, they do the things that expand the economy. They buy a suit of clothes, they take a trip, buy a car, buy a house. They do the things that represent their feeling that the future is going to be better. They feel secure in their job and in their lives, so they do things that expand the economy.

If they are worried about their job, if they are wondering whether the economy will allow them and their family to continue to pay all their bills, when they are not confident about the future, they do exactly the opposite. They contract the economy. They defer those purchases. They make different judgments. We are not going to buy the suit of clothes, not take that trip, won't buy the car or the house. They

contract the economy. That is why everything rests on confidence by the American people going forward.

Just answer the question: How on Earth can people be confident about this economy unless we fix that which caused this wreck, that which steered this economy into the ditch and is now causing 550,000, 600,000 people every month to have to come home and tell their loved one: I have lost my job. No, not because I was doing bad work; I was told they are cutting back at the office or the plant.

This economy has in recent years been an economy with an unbelievable bubble of speculation about a lot of things, and at the same time there was unbelievable negligence in oversight by those the public has hired in Federal agencies to do the oversight of what was going on. We wake up one morning and we discover there are hundreds of trillions of dollars of exotic financial products called CDOs and credit default swaps and all kinds of strange names that are very complicated with unbelievable embedded risk. We don't know who has them, we don't know how much risk is out there. All of a sudden things start collapsing, the economy goes into a ditch, and we are in huge trouble.

How did it all happen? Was someone not watching?

Yes, that is the point; someone was not watching for a long period of time.

The President has talked about the need for financial reform, and today he has described at least an initial portion of what he would like to do. I think many of us share his feelings about the need for effective regulation. That is not rocket science given what we have been through.

Let me say this. Effective regulation is something that I think, from my personal observation, is probably not going to come from the Federal Reserve Board. Let me talk just about where the location of this regulation is or should be.

The Federal Reserve Board, in my judgment, essentially became a spectator for a long period of time under then Fed Chairman Alan Greenspan who believed that self-regulation was by far the best. Let everybody do what they will and they will do in their self-interest what they believe is right and self-regulation will be just fine.

It turns out it was an unbelievably bad decision. But the problem is, to set up the Federal Reserve Board as the systemic risk regulator is to set up a systemic risk regulator that is unaccountable. The Federal Reserve Board is unaccountable. It is not accountable to the Congress, not accountable to the President.

So in addition to establishing an unaccountable entity, it is also an entity that operates in great secrecy. I give the President great marks for suggesting we have to have more effective regulatory capability. I am sure we will have discussions about exactly where should that regulation exist, who should be responsible, how do you get it right. I do hope we can have a discussion about whether the systemic risk regulator should or could be an entity that is not accountable and one that operates in substantial secrecy. My feeling is there is a much better way to do that, No. 1. No. 2, while there are a lot of details I will not describe today, I still am interested in this question of whether we will confront—and I don't know that from the President's description today whether we will—the issue of too big to fail.

It seems to me this issue of too big to fail is no-fault capitalism. That is, if we don't address this question of too big to fail—which has caused us enormous angst, in recent months especially—we will ultimately have to confront the issue once again down the road when it is very expensive again to do so.

I do think there is a requirement here for us to support the President in deciding that there needs to be regulation that gives people confidence that someone is minding the store. When I said that all of this rests on a foundation of confidence, I mean if we do not restore the regulatory functions in a manner that the American people see as just and fair, and most especially effective, I don't think we will restore the kind of confidence that is necessary to begin building and expanding this economy once again.

Again, I give the President substantial credit today for saying this is an important issue. Let us get about the business of doing it. He has offered us a description that now gives us a chance to discuss how we begin to put the pieces back together of what is the most significant financial wreck since the Great Depression. This was not some natural disaster, such as some huge hurricane or some big storm that came running through. This disaster was manmade, and we need to make sure we put in place the things that will prevent it from ever happening again.

There will be, I am sure, much more discussion about this in the coming days. Again I thank the President for beginning this discussion because it is essential, as we begin to try to build opportunity in this economy once again, to restore the confidence of the American people by saying we are going to have effective regulatory capabilities to make certain we don't have this unbelievable bubble of speculation that helped cause the collapse of our economy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1282 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Maryland.

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

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

MODERN DAY SLAVERY

Mr. CARDIN. Mr. President, I take this time to share with my colleagues a problem—a worldwide problem—that we thought was left behind in the 20th Century—slavery. I am talking about modern slavery, the human trafficking that takes place around the world.

Yesterday, as Chairman of the U.S. Commission on Security and Cooperation in Europe, the Helsinki Commission, I was privileged to join Secretary of State Clinton at the State Department for the official release of the Ninth Annual Trafficking in Persons Report. This is a vital diplomatic tool. It is put out every year by the United States. We have been doing this now for almost 10 years. It lists every country and the current status of trafficking in their country. Some countries are origin countries, others allow trafficking through their countries, and other countries are receiving countries.

This report is an objective yardstick so that we know exactly what is happening in each one of these countries. It is a valuable tool for us to put an end to the trafficking in human beings used for slavery or sex or for other illegal type purposes.

It was interesting that the Secretary of State, Secretary Clinton, also released the Attorney General's Report to Congress: An Assessment of U.S. Government Activities to Combat Trafficking in Persons. This is the first time we have had this report. This report talks about what is happening in our own country, in the United States. Because we think it is important, if we are going to lead internationally, that we lead by example of what we do in our own country in order to stop trafficking in human beings.

The Department of State's Office to Monitor and Combat Trafficking utilizes our vast network of embassies and consulates throughout the world to compile the most comprehensive report of its kind. It is an objective yardstick we should be using more and more to press every country in the world to do more to stop modern slavery. The United States has shown great leadership on this issue, and I commend Secretary Clinton for the incredible leadership she has demonstrated, making it a priority topic for the United States nationally and internationally.

When Secretary Clinton was Senator Clinton, she served on the Helsinki Commission and was one of our leaders in forming a policy within the United States-Helsinki Commission to raise the issue of trafficking in persons. As a result of the work of the U.S. commission and the leadership of our country, we were able to get the Organization for Security and Cooperation in Europe, OSCE, to make this a priority; To adopt policies within OSCE so every

member state, all 56, would adopt a strategy to first understand what is happening in their own country, to take an assessment as to where they are in trafficking; then to develop a strategy to improve their record, adopt the best practices as we know, what has worked and what has not worked; and then to make progress to root out trafficking in their own country. Again, whether they happen to be an origin country or whether they happen to be the host country or whether they just happen to be a transit country in which persons are trafficked through their country, they need to adopt a strategy that will help rid us of this modern-day slavery.

I am very proud of the role the United States has played, our government has played, and the Helsinki Commission has played. I wish to call this matter to the attention of our colleagues. I found the ongoing work of the Office to Monitor and Combat Trafficking and the Trafficking in Persons Report extremely useful in engaging the 55 participating states of the OSCE. We use this document frequently when we meet with our colleagues or when they travel to the United States to meet with us, to say: What are you doing about this? This tells us you could do a better job in law enforcement. You need to recognize that those who are trafficked are victims. They are not criminals, they are victims, and you need to have a way to take care of their needs.

The report continues to function as a working document, frequently cited and invoked to promote adherence to numerous human rights commitments and the principles of the Helsinki Act.

Some of the most striking parts of this year's report—besides the staggering estimates by the International Labor Organization that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time—are the wrenching victims' stories themselves.

We know trafficking is connected to organized crime. We know that. This is not just isolated trafficking of people, it is also part of an organized effort, criminal efforts that we need to root out. But we sometimes forget that the women, children, and men who are trafficked are victims and we must treat them as victims, with respect and dignity. That is a success story. We have made progress. Tougher law are being adopted.

Take Xiao Ping of China. Now 20 years old, her testimony in the State Department report says that:

> She spent most of her life in her small village in Sichuan Province. She was thrilled when her new boyfriend offered to take her on a weekend trip to his hometown. But her boyfriend and his friends instead took her to a desert village in the Inner Mongolia Autonomous Region and sold her to a farmer to be his wife. The farmer imprisoned Xiao Ping, beat her, and raped her for 32 months. . . . Xiao Ping's family borrowed a substantial sum to pay for her rescue, but the farmer's family forced her to leave behind her 6-month-old baby. To cancel the debts, Xiao Ping married the man who provided the loan. But her husband regarded her as 'stained goods,' and the marriage did not last.

Tragic scenarios like this will continue unless all countries—whether a point of origin for the sex trade, a transit point for slaves whose criminal traffickers are undetected by law enforcement, or a destination for a forced child laborer, work together to increase prosecution of these crimes. In concert with the immense awareness raising efforts of the Trafficking in Persons Report, the exchange of U.S. policies and countertrafficking mechanisms throughout the OSCE region has resulted in a steady increase in the number of countries with enacted antitrafficking legislation. That is a success story. We have made progress. Tougher laws are being adopted.

Probably even more important, we are developing attitudes in countries that this cannot continue, it is not something you can just overlook. I must tell you, these reports that were issued, now for almost 10 years, have played a critical role. The United States should be proud of what we have been able to do to call world attention to this issue.

According to the State Department's report, a young woman from Azerbaijan, Dilara, had a sister who:

> . . . had been tricked into an unregistered marriage to a trafficker who later abandoned her when she got pregnant. When Dilara confronted her sister's traffickers, she herself became a victim. She ended up in Turkey, where she and other abducted girls were tortured and forced to engage in prostitution. Dilara escaped with the help of Turkish police, who promptly arrested the nine men who trafficked Dilara and her sister.

They were some of the lucky ones. Dilara and her sister found help from a local NGO, including job training, and now she works and lives her life as a free woman in Baku.

From some of these tragedies we have seen heroic actions taking place, some encouragement that we are making progress.

Prostitution is not the only form of involuntary servitude outlined in this latest report. It contains true stories like: a family in India that were bonded laborers at a rice mill for three generations until freed with the help of NGOs; young boys in the Democratic Republic of Congo abducted from their school by a militia group and tortured until they submitted to serving as soldiers; and an 8-year-old girl from Guinea given away as an unpaid domestic servant after her mother and brother died.

These are real people. These are real stories.

The U.S. is not immune from the problems of modern day slavery. The 2009 Trafficking in Persons Report highlights a young girl brought to California from Egypt by a wealthy couple who forced her to work up to 20 hours a day for just $45 a month. And earlier in June, more than a dozen Filipinos were rescued from hotels in Douglas and Casper, WY, where they were working with minimal pay and forced to live in horrendous conditions. Their ''employment agency'' purposefully allowed their work visas to expire so they would be trapped into servitude as illegal aliens. A Federal grand jury brought forward a 45-count indictment on racketeering, forced labor trafficking, immigration violations, identity theft, extortion, money laundering, and other related violations in Wyoming and 13 other States.

These are criminal elements. Fortunately we are starting to see prosecutions of people involved in these activities.

We want to end this modern day slavery—as human beings we need to end this slavery—in the United States and around the world. Involuntary domestic servitude, sex trafficking and forced labor should not be acceptable in any 21st century civilization.

The OSCE has a unique role in generating instruments that empower governments to end human trafficking. Each year, the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings also prepares a report that outlines the trends and developments of countertrafficking efforts in the OSCE region. This report has been instrumental in promoting the establishment of national rapporteurs, consistent data collection practices, and standardized law enforcement policies to ensure more robust cooperation to end modern slavery. It is used around the world so people can see how to better prepare their own country to identify trafficking and help its prosecution.

The OSCE efforts closely complement the Trafficking in Persons Report and demonstrate a close partnership with the efforts of the Office to Monitor and Combat Trafficking. I truly hope this close partnership continues to flourish.

We were instrumental in getting OSCE to have the capacity to do this, and Congress was instrumental in getting the State Department to make these annual reports. Now we have the documents. Now we have the evidence. We know progress can be made. We have seen progress made. But until we rid our civilization of modern-day slavery, we have not accomplished our goal.

Let's take these reports, use these reports so we can bring this to an end and help those who have been victimized through traffickers.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

JUDICIAL NOMINATIONS

Mr. SESSIONS. Mr. President, the nomination of a new Justice to the Supreme Court of the United States brings to our minds a core question, both for the Senate and the American people, and that is: What is the proper role of a Federal judge in our Republic?

Answering this question is not simply an academic task, it is fundamental to what we will be doing here. How the American people and their representatives and their Senators, the ones who have been delegated that responsibility, answer that question impacts not only the future of our judiciary but I think the future of our legal system and the American experience.

In traveling the world as part of the Armed Services Committee, I am more convinced than ever before that the glory of our American experience, our liberty, and our prosperity is based on the fact that we have a legal system you can count on. When you go to places such as Afghanistan or Iraq or Pakistan or the West Bank or Bosnia and you see people—and they cannot get a legal system working. It does not work, and people are not protected, in their persons, from attack, and their property is not protected, contracts often are not enforced properly. That just demoralizes the country. It makes it very difficult for them to progress.

I am so proud of the American legal system. It is something we inherited, we built upon. It is the bulwark for our liberty and our prosperity.

So we ask this question: What do judges do? Do they faithfully interpret our Constitution and laws as written or do they have the power to reinterpret those documents through the lens of their personal views, backgrounds, and opinions?

Is the Judiciary to be a modest one, applying the policies others have enacted, or can it, the Judiciary, create new policies that a judge may desire or think are good?

When the correct answer to a legal case is difficult to ascertain, is a judge then empowered to remove his or her blindfold, that Lady of Justice with the blindfold on holding the scales? Can they remove the blindfold and allow their personal feeling or other outside factors to sway the ultimate decision in the case?

I am going to be talking about that and addressing those questions in the weeks to come. But I do think we need to first begin at the source. We must return to the words and ideas of those who founded our Nation, whose foresight resulted in the greatest Republic this world has ever known and the greatest legal system anywhere in the world.

It is clear from reviewing these words and ideas and ideals, particularly as expressed in the Constitution itself, that our Founders desired and created a court system that was independent, impartial, restrained, and that, through a faithful rendering of the Constitution, serves as a check against the intrusion of government on the rights of humankind.

The Founders established a government that was modest in scope and limited in its authority. In order to limit the expansion of Federal Government power, they bounded the government by a written Constitution. Its powers were only those expressly granted to the government. As Chief Justice John Marshall famously wrote:

> This government is acknowledged by all to be one of enumerated powers.

Enumerated means the government has the power it was given and only those powers it was given. If you will recall the Constitution starts out:

> We the people of the United States of America, in order to establish a more perfect Union . . .

So the people established it, and they granted certain powers to the branches of government. But those powers were not unlimited, they were indeed limited. They were enumerated and set forth.

But our Founders knew these limitations, history being what it is, standing alone were not enough. So they created three distinct branches of the government, creating a system of checks and balances to prevent any one branch from consolidating too much power. The Constitution gives each branch its own responsibility.

Article I of the Constitution declares:

> All legislative powers, herein granted shall be vested in a Congress of the United States.

Article II two declares:

> The executive power shall be vested in a President of the United States.

And Article III declares:

> The judicial power of the United States shall be vested in one Supreme Court.

And such other Courts as the Congress creates.

These words are unambiguous. The Judiciary possesses no power to make law or even enforce law. In Federalist No. 47, one of our Founding Fathers, James Madison, cites the Constitution of Massachusetts which states:

> The judicial shall never exercise the legislative and executive powers, or either of them, to the end that it may be a government of laws and not of men.

So Madison, in arguing for the Constitution, trying to convince the Americans to vote for it, quoted the Massachusetts Constitution—this provision in it, with approval stating that is essentially what we have in our Federal Government.

Madison was a remarkable man.

He went on to describe the separation of powers as the ''essential precaution in favor of liberty.'' Alexander Hamilton, in Federalist No. 78—written to encourage Americans to support the Constitution—quotes the French philosopher, Montesquieu, who said:

> There is no liberty if the power of judging not be separated from the legislative and executive powers.

The judicial branch, then, is limited to the interpretation and application of law—law that exists, not law they create. At no point may its judges substitute their political or personal views for that of elected representatives or to the people themselves—the people's will having been permanently expressed in the Constitution that created the judiciary.

To gain a deeper understanding of this role, it is instructive to look further in Hamilton's Federalist No. 78, widely regarded as one of the definitive documents on the American court system. In it Hamilton explains that ''the interpretation of the law is the proper and peculiar province of the courts. The constitution . . . must be regarded by the judges as a fundamental law. It therefore belongs to them to ascertain its meaning.''

Judges do not grant rights or remove them. They defend the rights that the Constitution enumerates. So it is thus no surprise that Hamilton says a judge must have an ''inflexible and uniform adherence to the rights of the Constitution.''

In order to ensure that judges would consistently display such adherence to the Constitution in the face of outside pressures, our Framers took steps to ensure that the judiciary was independent from the other branches and insulated from political interference. As was often the case, the Framers were guided by the wisdom of their own experience. They had a lot of common sense in the way they dealt with things.

In England, colonial judges were not protected from the whims of the King. Included in the Declaration of Independence's litany of grievances is the assertion, when Jefferson was setting forth the complaints against the King, he asserted that the King had ''made Judges dependent on his Will alone, for the tenure of their offices . . .''

That was a complaint. That was one of the things we objected to in the way the King was handling the people in the Colonies. That was part of the Declaration. When the Constitution was drafted, that matter was fixed.

In order to shield the courts from the threat of political pressure or retribution, article III effectively grants judges a lifetime appointment, the only Federal office in America that has a lifetime appointment. We have to answer to the public. So does the President. It also specifically prohibits Congress from diminishing judicial pay or removing judges during times of good behavior. So Congress can't remove a judge or even cut their pay. Hamilton referred to this arrangement as ''one of the most valuable of modern improvements in the practice of government.'' He went on to say that he saw it as the best step available to ''secure a steady, upright, and impartial administration of the laws.''

So Madison hoped the courts, set apart from the shifting tides of public opinion, would be better suited to act as ''faithful guardians of the constitution'' to stand against ''dangerous innovations in government.'' In other

words, courts are removed from the political process not so they are free to reinterpret the Constitution and set policy, but so they are free from the pressures of those who would encourage them to do just that.

The Framers also understood that the courts, as an unelected branch of government with a narrow mandate, would also necessarily be the weakest branch. Hamilton wrote that whoever looks at the ''different departments of power must perceive that, in a government in which they are separated from each other, the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them. . . .It may truly be said to have neither force nor will, but merely judgment. . . .''

So in light of this narrow mandate that judges have been given, judges have understood from time to time that they ought not to be drawn into the political thicket; that they ought to decline to answer questions that they felt were more appropriately to be addressed by the political branches of government. Typically, this distant approach has been invoked when the Constitution has delegated decision-making on a particular issue to a particular branch, when the court finds a lack of ''judicially discoverable and manageable standards'' to guide its decision-making, or when the court feels it best not to insert itself in a conflict between branches. That is what is happening. They are showing restraint and discipline. This is an example of judicial restraint because it respects the powers of the other branches and the role of elected representatives rather than the appointed judges in establishing policy.

This is not an academic exercise or an abstract hypothetical. Judicial activism has enormous consequences for every American because if judges who are given a lifetime appointment and guaranteed salaries are given the power to set policy, then that is an anti-democratic outcome because we have created someone outside the political process and allowed them to set policy for the country and they cease to be accountable to the American people.

The men and women of the Supreme Court hold extraordinary power over our lives. It takes only five Justices to determine what the words of the Constitution mean. You may think it is nine; it is really just five. If five of the nine agree that the Constitution means this or that, it is as good—hold your hats—as if three-fourths of the States passed a constitutional amendment along with the supermajority votes of the Congress. So this is a powerful thing a Supreme Court Justice possesses, the ability to interpret words of the Constitution.

When Justices break from the ideal of modest and restrained practices, as described by Hamilton, they begin creating rights and destroying rights based on their personal views, which they were never empowered to do. The temptation to reinterpret the Constitution leads judges, sometimes, to succumb to the siren call of using that opportunity they might possess to enact something they would like to see occur.

Maybe somebody will write in a law review that they were bold and courageous and did something great. We have seen some of these actions occur. Under the power to regulate business and commerce the government is given, our Supreme Court recently ruled that carbon dioxide, which is a naturally occurring substance in our environment—when plants decay, they emit carbon dioxide; when they live, they draw in from the air carbon dioxide; it is plant food—they ruled that it was a pollutant. As a result, regardless of how you see that matter, I think when the statute was passed they gave EPA regulation to control pollution in the 1970s long before global warming was ever a consideration; that Congress had no contemplation that it would be used to limit carbon dioxide some years later. But that is what the Court ruled.

I only say that because that was a huge economic decision of monumental proportions. It called on an agency of the U.S. Government to regulate every business in America that uses fossil fuels. It is a far-reaching decision. Right or wrong, I just point out what five members of the Court can do with a ruling, and that was five members. Four members dissented on that case.

At least two members of the Supreme Court concluded that the death penalty is unconstitutional because they believe that it is cruel and unusual as prohibited by the eighth amendment to the Constitution. They dissented on every single death penalty case and sought to get others to agree with them. Some thought others might agree with them. But as time went by, they have now left the bench and no other Judges have adhered to that philosophy. But I would say that it is an absolutely untenable position because the Constitution itself makes at least eight references to the death penalty. It is implicit in the Constitution itself. It says the government can't take life without due process. So that contemplates that there was a death penalty, and you could take life with due process.

The Constitution also refers to capital crimes and makes other references to the death penalty. Every single Colony, every single State at the founding of our government had a death penalty. It is an abuse of power for two Judges to assert that the eighth amendment, which prohibited drawing and quartering and other inhumane-type activities, actually should be construed to prohibit the death penalty. That is judicial activism. They didn't like the death penalty. They read through the Constitution, found these words, and tried to make it say what it does not.

So the question is not whether these policies are good or bad, whether you like the death penalty or not. That is a matter of opinion. And how one believes that global warming should be confronted is not the question. The question is whether a court comprised of nine unelected Judges should set policy on huge matters before the country that we are debating in the political arena.

Should that not be the President and the Congress who are accountable to the voters to openly debate these issues and vote yes or no and stand before the people and be accountable to them for the actions they took? I think the Constitution clearly dictates the latter is the appropriate way.

A number of groups and activists believe the Court is sort of their place and that social goals and agendas they believe in that are not likely to be won at the ballot box, they have an opportunity to get a judge to declare it so. We have the Ninth Circuit Court of Appeals en banc ruling that the Pledge of Allegiance to the Constitution is unconstitutional because it has the words under God in it. Actually, that has never been reversed. It has been vacated in a sense because the Supreme Court rejected it on, I think, standing grounds. But at any rate, those are the things that are out there. It is not in the Constitution. This is a bad course for America.

If the judiciary heads further down that path, then I think we do have dangers because we are actually weakening the Constitution. How can we uphold the rule of law if those who weigh the scales have the power to tip them one way or the other based on empathy, their feelings or their personal views? How can we curb the excess of Federal power if we allow our courts to step so far beyond the limits of their legitimate authority? How can the least among us depend on the law to deliver justice, to protect them, to steadfastly protect their liberties, if rulings are no longer objective and if a single judge has the power to place his or her empathy above the law and the evidence?

So with these fundamental questions in mind, I hope the comments I make in the weeks to come will be of some value as we talk about the future of the judiciary, what the role of a judge ought to be on our highest court, and to uphold our sacred charter of inalienable rights.

So let me repeat, I love the American legal system. I am so much an admirer of the Federal legal system I practiced in for 15 years before fabulous judges. They were accused sometimes of thinking they were anointed rather than appointed. But I found most of the time—the prosecutor that you are—they did follow the law and they tried to be fair. I think the independence we give them is a factor in their fairness and something I will defend. But there is a responsibility that comes with the independence judges get. And that responsibility is that when they get that bench

and they assume that power, they not abuse it, they use integrity, they are objective, and they show restraint.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

NOMINATION SONIA SOTOMAYOR

Mr. DURBIN. Mr. President, I listened carefully to the statement of my colleague, Senator SESSIONS, from Alabama, who is the ranking Republican in the Senate Judiciary Committee, who is charged with a special responsibility at this moment in history. Because with the retirement of Supreme Court Justice David Souter and the vacancy that has been created, the Senate Judiciary Committee has the responsibility to work with the President to fill that vacancy.

I am honored to be a member of that committee and to be facing the third vacancy since I have been elected to the Senate. It is rare in one's public political life to have a chance to have a voice or a partial role in the selection of one Supreme Court Justice. But to have a chance to be involved in the selection of three, for a lawyer, is quite an amazing responsibility.

Senator SESSIONS and I are friends, and we see the world somewhat differently. But I would say to him that I would quarrel with the notion that our laws are so clear that a judge, given a set of facts, could only draw one conclusion. What we find often is the opposite. Well-trained attorneys who become judges can look at the same law and the same facts and reach different conclusions. That is why, when it comes to appellate courts, it is not unusual to have a split decision. Different judges see the facts in a different context.

So to argue that we want judges who will always reach the same conclusion from the same laws and facts defies human experience. It is not going to happen. People see things differently. People read words differently. People view facts differently. Occasionally judges, faced with cases they may never have envisioned, see a need for change in our country.

There are times when I might agree with that change and times when I might disagree. In 1954, right across the street, in the Supreme Court, a decision was reached in Brown v. Board of Education. Fifty-five years ago, they took a look at the schools of America, the public schools of America, that were segregated, Black and White, and said: No, you cannot have separate and equal schools. That brought about a dramatic change in America: the integration of America's public education.

The critics said that Supreme Court had gone too far, they had no right to reach that conclusion. Well, I disagree with those critics. But some of them said they should have been strict constructionists, they should have left schools as they were; it was not their right to change the public school system of America. I think they did the right thing for this Nation.

Having said that, there are times when a Supreme Court has reached a decision which I disagree with. Most recently, this current Court—which is dominated by more conservative members, those who fall into the so-called strict construction school—had a case that came before them involving a woman. She was a woman who worked at a tire manufacturing plant in Alabama, if I am not mistaken. She spent a lifetime working there. Her name was Lilly Ledbetter. Lilly rose through the management ranks and was very happy with the assignment she was given at this plant.

She worked side by side, shoulder to shoulder, with many male employees. It was not until Lilly announced her retirement that one of the employees came to her and said: Lilly, for many years now, you have been paid less than the man you were working next to, even though you had the same job title and the same job assignment. This company was paying less to women doing the same job as men. She thought that was unfair—after a lifetime of work—that she would not receive equal pay for equal work.

So she filed a lawsuit under a Federal law asking that she be compensated for this discrimination against her—the reduction in pay she had faced and the retirement reduction which she faced as a result of it. It was a well-known law she filed her case under, giving each American the right to allege discrimination in the workplace, and she set out to prove it.

Her case made it all the way to the Supreme Court of the United States, across the street—the highest court in the land. This conservative, strict construction Court departed from all the earlier cases. The earlier cases had said something that was, I think, reasonable on its face. They looked at the statute, the law the case was brought under, and said Lilly Ledbetter had a specific period of time after she discovered the discrimination to file a lawsuit. I believe the period was 6 months. I may be mistaken, but I think that is a fact—that she had 6 months after she discovered she was discriminated against to file a lawsuit. And Lilly Ledbetter said: That is exactly what I did. When I learned I was discriminated against, I filed within that statutory requirement.

But the Supreme Court, across the street—the strict constructionists that they are—reached a different conclusion. Their conclusion was that the law did not mean that. The law meant she had to file the lawsuit within 6 months after the first act of discrimination. In other words, the first time she was paid less than the man working next to her, she had a clock starting to run, and she had 6 months to file the lawsuit.

Well, those of us who have worked outside government—and even those working in government, for that matter, to some extent, but those working in the private sector know it is a rare company that publishes the paychecks of every employee. You may be working next to someone for years and never know exactly what they are being paid.

That was the case with Lilly Ledbetter. She did not know the man standing next to her, doing the same job, was being paid more. She did not discover that until many years later.

So the Supreme Court said: Mrs. Ledbetter, unfortunately, you did not file your case in time. We are throwing it out of court. And they did. Strict constructionists, conservatives that they were, they departed from the previous court's decisions, which had given her and people like her the right to recover and limited that right to recover.

Well, in the name of Lilly Ledbetter, we changed the law to make it abundantly clear, so that neither this Supreme Court nor any Supreme Court in the future will have any doubt that it is 6 months after the discovery of discrimination, not after the first act of discrimination.

It was one of the first bills, if not the first bill, President Barack Obama signed. I happened to be there at the signing, and standing next to him, receiving the pen for that signature, was Lilly Ledbetter. She may not have won in the Supreme Court, she may not have come back with the compensation she was entitled to, but she at least had the satisfaction to know this Congress and this President would not allow the injustice created by that Supreme Court decision to continue.

So the Senator from Alabama came here and said: We do not need judges with empathy. That word has been stretched in many different directions. But if empathy means we do not need judges who understand the reality of the workplace, if empathy means we would say to Lilly Ledbetter: Sorry, you missed it, girl, you had 6 months to file that lawsuit from the first act of discrimination, the first paycheck—you missed it, and you are out of luck—if empathy would say that is not a fair or just result, I want judges with empathy. I want them to know the real world. I want them to know the practical impact of the decisions they make. I want them to follow the law. I want them to be fair in its administration. But I do not want them to sit high and mighty in their black robes so far above the real world that they could not see justice if it bit them. I think that is what empathy brings—someone who is at least in touch with this real world.

For the last several—2 weeks, I guess—the nominee of President Barack Obama for the Supreme Court, Sonia Sotomayor, has been meeting with the Members of the Senate. She had an unfortunate mishap and broke her ankle at La Guardia Airport, so I allowed her to use my conference room upstairs on the third floor, and there was a steady parade of Senators coming in to meet her.

I asked her this morning. She said: I have seen 61 Senators, and I have 6

more today. She may break a record for actually meeting face to face with more Senators than most Supreme Court nominees. But regardless, she is doing her level best to introduce herself and to answer any questions Senators have. I think—and I told the President when I saw him at an event today—he has made an extraordinary choice.

Sonia Sotomayor was first selected to serve on the Federal court—the district court—by President George Herbert Walker Bush. She was then promoted by President Bill Clinton to a higher level court—the circuit court—and now is being nominated for Supreme Court service. She has more experience on the Federal bench than any nominee in 100 years, so she is going to be no neophyte if she is fortunate enough to serve on the Court.

She is a woman with an extraordinary life story, having grown up in the Bronx in public housing. Her father died when she was 9 years old. Her mother raised her and her younger bother, who ended up becoming a doctor, incidentally.

She was encouraged to apply to Princeton, which was a world she knew nothing about as a young Latino growing up in the Bronx, but she applied and was accepted. At the end of the 4-year period, she graduated second in her class at Princeton. I do not believe Princeton University is an easy assignment. I think it is a challenging assignment. Clearly, she was up to it.

She went on to graduate from Yale Law School. She was involved in prosecution. She was involved in working in private law practice. She has an amazing background in law, and I think she would be an extraordinary member of the Supreme Court.

So Senator SESSIONS came earlier and talked about his philosophy and certainly expressed it very capably. I did not have any prepared remarks on the subject. Although I disagree with him, I respect him very much, and I hope at the end of the day we can do the Senate proud and serve our Nation by giving her a fair and timely hearing.

Let's not use a double standard on this nominee. As chairman of the Senate Judiciary Committee, PATRICK LEAHY has suggested a timely hearing on her nomination. It is a hearing within the same schedule of those who went before her, such as Chief Justice Roberts or Justice Alito. So if she is given the same standard of fairness, that hearing will go forward. I certainly hope it does and think she will do well.

TOURISM

Mr. President, this bill we are considering on the floor at this time could not come at a better time. On October 2, the International Olympic Committee is going to select a site for the 2016 Olympic games.

I am proud to say that Chicago is one of the final global candidates—one of the final four in the world. Winning that bid would bring 6 million tourists from all over the world into the United States and generate as much as $7 billion in tourist revenue.

This bill, by encouraging international tourism—the one before us—will welcome international visitors to our country, and it will demonstrate to the world that the United States is open for visitors. That can only help improve the chances that the 2016 Olympic games actually come to the Windy City.

Tourism and travel generate approximately $1.3 trillion in economic activity in the United States every year, including 8.3 million travel-related jobs.

Overseas visits to the United States, unfortunately, are still being hampered by the specter and memory of 9/11. That has cost the United States an estimated $182 billion in lost spending by tourists in our country and $27 billion in lost tax receipts in the last 8 years. The current economic downturn is expected to cost another 250,000 travel-related jobs just this year alone.

So this bill addresses some of the problems underlying this downturn in overseas visitors.

Through a public-private, nonprofit Corporation for Travel Promotion, the United States will coordinate its efforts to encourage international tourism.

The new Office of Travel Promotion within the Department of Commerce will work to streamline entry procedures, making travel to the United States more welcoming and efficient.

The bill does all this while reducing budget deficits by $425 million. In other words, this is one of the few bills we will consider that actually is going to make money. Bringing more tourists to the United States, generating more tax revenue, is going to be to our economic benefit and the benefit of our government.

By setting up stronger entities to promote internationally the benefits of visiting America, this bill certainly advances Chicago's chances to be awarded the 2016 Olympic games.

But the bill also offers an opportunity to showcase internationally all the other reasons to visit America, and they are many.

Even in my home State of Illinois, a lot of foreign travelers come to walk the streets that Abraham Lincoln walked in Springfield, IL. Looking for Lincoln highlights sites all across our State, with a series of stories about the President's life in 42 different counties of Illinois where his journeys took him.

The Abraham Lincoln Presidential Museum in Springfield, IL, was a pet project of mine I thought of about 18 years ago and today is a reality. This Abraham Lincoln Presidential Library and Museum draws almost half a million tourists a year to Springfield, many of them families with children who leave with a better understanding and a very enjoyable visit after seeing Lincoln's life portrayed in very positive terms.

Saline County, IL, down in southern Illinois, draws visitors to its Garden of the Gods—the gateway to the Shawnee National Forest, one of the prettier areas in our State.

Quincy, IL, features historic architecture and fun along the mighty Mississippi River.

We have our unusual tourist attractions in Illinois as well. Near my old hometown of East St. Louis, you can visit Collinsville and see the world's largest catsup bottle or the two-story outhouse in Gays, IL, or the home of Superman, including a 15-foot Superman statue in Metropolis, IL, and a 6-foot Popeye statue in Chester, IL. A lot of photographs have been taken in front of the statue.

Every State has these historic, amazing places to visit and those curiosities that bring people from all over the United States and all over the world.

Illinois offers the international visitor a truly American experience. In fact, Illinois tourism adds $2.1 billion to State and local tax coffers and supports more than 300,000 jobs annually. In 2008, there were about 1.4 million international visitors to my State. These travelers spent $2 billion in all sectors of the economy, from transportation, to lodging, to food service, to entertainment. These international visitors generated an additional $521 million in wages and salaries for Illinois residents.

I encourage my colleagues to support this bipartisan bill. I am sorry it was delayed today. There was no reason for that. We sat here idly today making wonderful speeches when we should have been passing this bill. I hope we get to it soon, and I hope, with passing it, we will help this economy get back on its feet.

Mr. President, I see the Senator from Ohio is in the Chamber. I have one last short statement I have to make.

CONSUMER FINANCIAL PROTECTION AGENCY

Mr. President, today I went to the White House to hear President Obama announce a significant, sweeping change in the regulation of financial services. It is the most important change since the Great Depression. At the heart of President Obama's proposal is the creation of an independent new agency. It is called the Consumer Financial Protection Agency. It is going to put the interests of American families and consumers above the interests of a lot of businesses and banks.

I introduced a bill last year, and then again this year, that would create that same agency. It is an honor for me that the President would pick up on this idea and make it a major part of what he is doing. But before I take too much credit for it, the idea really originated with Elizabeth Warner. She is a professor at Harvard Law School who is one of the more creative, innovative people who advise us here on Capitol Hill. She realizes, as most of us do, that most consumers and customers and businesses are at the mercy of a lot of regulations and a lot of fine print that is almost impossible to follow, so

she suggested the creation of this agency, and the President followed through today.

It is simple: an agency staffed by people who wake up in the morning thinking about how to make consumer financial transactions safer in America and more understandable. It will mean we are going to protect consumers from making mistakes and making decisions that could be very damaging to them economically.

Today, there are no fewer than 10 Federal agencies with the responsibility for consumer protections from predatory or deceptive financial products to a variety of other areas, but none of them—not one of them—has oversight as its primary objective. That is going to change with President Obama's bill. This agency will encourage innovation that benefits consumers rather than innovation that benefits those who are going to make a profit off of those same consumers. There is a large coalition of consumer advocacy groups supporting this concept. I look forward to working with Chairman DODD and the Banking Committee to see that this agency becomes a reality. It won't be an easy task, but it is a perfect followup to our Credit Card Reform Act.

We need to be more sensitive to consumers in America struggling in this economy to make sure they have protection. One illustration tells it all.

There was a prepayment penalty that was folded into a lot of these subprime mortgages. If you have been to a real estate closing on your home, you know they stack up papers on a table in front of you and they turn the corners and they say: Keep signing, and eventually you will get out of here.

You may slow them down and say: What am I signing?

They will say: It is standard. It is boilerplate. It is a government requirement. Keep signing.

Sign and sign and sign, 20, 30, 40 times, and then you get the check, hand it back to the bank, and you go home with the keys in hand. That has happened to me a few times with my wife. I am a lawyer. Did I read every page? No.

Well, it turned out that the mortgages that were sold for a long period of time in America had a prepayment penalty. So if you got into a bad mortgage and decided, man, that interest rate is too high; I can't keep making payments, so I am going to the bank next door where I can get a lower interest rate, they would say: Sorry to tell you this, but to pay off your old mortgage, there is a penalty that is pretty steep. And you say: Well, I didn't know that. Well, you missed it. You missed it in that stack of papers. That prepayment penalty sentenced thousands of American homeowners to be stuck with subprime mortgages that were unfair and eventually led to foreclosure. Why wasn't there someone to warn that customer, that person borrowing for their home? This agency can do that. This agency can make that sort of thing clear to customers and consumers across America so that they have a fighting chance. They can avoid bad decisions that can be disastrous for their personal finances.

As Congress embarks on financial regulatory reform, our improved regulatory system must focus not just on safety and soundness of the providers of financial products but also on the safety of the consumers of financial products. The Consumer Financial Protection Agency will do just that.

I yield the floor.

Mr. SESSIONS. Mr. President, I see my colleague from Ohio is here. I am wondering if we are in an alternating situation. I wish to speak for about 5 minutes. Would that be all right?

Mr. BROWN. That is fine.

The PRESIDING OFFICER. The Senator from Alabama.

SUPREME COURT RULINGS

Mr. SESSIONS. Mr. President, my colleague from Illinois, Senator DURBIN, is such a fine lawyer and an excellent Senator. I would respectfully talk about some of the ideas he suggested.

One, he raised the question about the case of Brown v. Board of Education where the Court held that separate was not equal, and that somehow this is a justification for a judge setting policy. He thought it wasn't good policy. I would see it differently. I would say Brown v. Board of Education was the Supreme Court saying that the Constitution of the United States guarantees every American equal protection of the laws. They found that in segregated schools, some people were told they must go to this school solely because of their race, some people must go to this school solely because of their race, and that, in fact, it wasn't equal. So there are several constitutional issues plainly there, and I don't think that was an activist policymaking decision. I think the Supreme Court correctly concluded that these separate schools in which a person was mandated to go to one or the other based on their race violated the equal protection clause of the United States, and, in effect, they also found it wasn't equal, which they were correct in doing.

With regard to the Lilly Ledbetter case, Senator DURBIN and my Democratic colleagues during the last campaign and during the last several years have talked about this case a lot. I would just say that everybody knows it is a universal rule that whenever a wrong is inflicted upon an individual, they have a certain time within which to file their claim. It is called the statute of limitations. If you don't file it within the time allowed by law, then you are barred from filing that lawsuit. It happens all over America in cases throughout the country.

The U.S. Supreme Court heard the evidence, and it was argued in the U.S. Supreme Court. This one lady, Lilly Ledbetter, took her case all the way to the Supreme Court. They heard it, and they concluded that she was aware of the unfair wage practices that she alleged long before the statute of limitations—long before—and that by the time she filed her complaint, it was way too late. In fact, one of the key witnesses had already died. So it was years after. So they concluded that.

The Congress, fulfilling its proper role, was unhappy about it and has passed a law that I think unwisely muddles the statute of limitations on these kinds of cases dramatically, but it would give her a chance to be successful or another person in that circumstance to be successful.

So this wasn't a conservative activist decision; it was a fact-based analysis by the Supreme Court by which they concluded that she waited too long to bring the lawsuit, and it was barred. Congress, thinking that was not good, passed a law that changed the statute of limitations so more people would be able to prevail. It is not wrong for the Court to strike down bad laws.

We just had a little to-do with Attorney General Holder today in the Judiciary Committee in which the Office of Legal Counsel of the Department of Justice had written an opinion that he kept down and has still kept it hidden that declared that the legislation we passed to give the District of Columbia—not a State but a district—a U.S. Congressman was unconstitutional. He didn't want that out since he and the President supported giving a Congressman to the District of Columbia. But I think that case is going up to the Supreme Court, and I would expect it will come back like a rubber ball off that wall because I don't think that was constitutional. And I don't believe that is activism or an abuse of power; it is simply a plain reading of the Constitution.

If the Congress passes laws in violation of the Constitution, they should be struck down. There is nothing wrong with that if the Court is doing it in an objective, fair way, not allowing their personal, emotional, political, cultural, or other biases to enter into the matter.

So I think we are going to have a great discussion about the Supreme Court and our Federal courts. I look forward to it.

I really appreciate Senator DURBIN. He is a superb lawyer. If I were in trouble, I would like to have him defending me.

I thank the Chair, and I yield the floor.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, across the street today, in the so-called Senate Caucus Room—a room which, next to this Chamber, is perhaps the most famous room in the Senate; a room where the McCarthy hearings, the MacArthur hearings, the Watergate hearings, and the hearings for the Supreme Court nominees during the confirmation process have been held. It is the room where Senator John F. Kennedy

announced his campaign for the Presidency in 1960. It is the room where Senator Robert F. Kennedy, whose desk at which I sit, announced his candidacy for President in March of 1968. It is the room where today we are beginning to mark up the health care legislation that is the most important thing I have worked on in my, I guess, 17 years in Washington. It is probably the most important bill, with the exception of war and peace issues, this Congress has worked on in a long time.

This Congress has been trying for many years, as have been Presidents, to pass legislation to reform our health care system.

In 1945, Harry Truman spoke before a joint session of Congress down the hall in the House of Representatives and said:

> Millions of our citizens do not now have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection.

That was 1945. That was President Harry Truman.

A dozen years before, President Roosevelt made a momentous decision. President Roosevelt decided, in large part because of his fear of the power of the American Medical Association, to not include health care in the Social Security legislation, in the bill to create Social Security, because President Roosevelt actually believed Social Security meant a pension and health care.

But he thought the power of the doctors' lobby would keep him from being successful, so he moved forward in the creation of Social Security. Who knows if that was the right decision then, but it certainly brought us a program that has mattered in the lives of our parents, grandparents, and great-grandparents. Harry Truman was not able to accomplish Medicare or any other significant health care reform in his 7 years or so as President.

Fast forward to July 1965. President Johnson passed legislation creating Medicare. But leading up to that legislation, again, it was the American Medical Association—the most conservative members, because I know a lot of doctors who wanted to see us move forward, including my father, who was a general practitioner for almost 50 years. He died at 89 in 2000. Some in the AMA, in 1965, regarding the creation of Medicare, called it socialized medicine, and said it was too expensive and it would lead to runaway, rampant socialism—the same arguments they used in the 1930s, and the same arguments some are now using about the public plan option in this health care legislation today.

People obviously know that Medicare, since 1965—coming up on 44 years—has worked for the American public. Here is the best illustration of why Medicare works. There have been many studies over the years comparing the outcomes in the United States—health outcomes—to the outcomes in other countries in the world. We rank, in terms of infant mortality, maternal mortality, diabetes, child obesity, and immunization rates—amazingly enough, even though we spend twice as much as everybody, we rank almost at the bottom among the rich countries in the world on all of those things. There is one statistic where we rank near the top, and that is life expectancy at 65. So these pages sitting in front of me, five decades from now when they turn 65—we are going to change the system before then, but people who are 65 in this country have a longer, healthier life in front of them than almost all other countries in the world. That is because we have Medicare, and Medicare works, pure and simple.

Today, some 65 years after Harry Truman made the speech to the joint session I mentioned, we are still waiting for a health care system that delivers on the promise of affordability and quality health coverage for all.

We are waiting for reforms that lower costs for businesses and families buckling under the weight of ever climbing premiums.

We are waiting for reforms that foster competition in the insurance market and give Americans better choices, including a public health insurance option.

We are still waiting for reforms that bring accountability to the system, ensuring that our patients in this country get the highest quality care in the world.

We are waiting, in other words, for reforms that fix what is broken and keep what is working. That wait is nearly over. Today is a historic time. That wait, since 1932 when FDR decided not to include it in the Social Security law, to 1945 when President Truman spoke to a joint session, to 1965 when President Johnson was able to push through Congress with a heavily Democratic House and Senate, as the overwhelming number of Republicans opposed it, the creation of Medicare, to today, we are finally at the historic moment. The wait is nearly over when we are going to have real health insurance reform. It is not a moment too soon for many Ohioans, who are one illness away from financial catastrophe.

For example, take Ann from Dayton, a community in southwest Ohio. She wrote to me last year. In the past 5½ years, she has paid almost $130,000 in health care bills. How can this be? Was she uninsured? No. When her illness struck, she was a partner in a law firm and had good insurance. But once she became too sick to work, she lost her coverage and was forced to fend for herself.

She and her family of four went on COBRA for as long as they could, and then they paid $27,000 a year for insurance on the individual market, where medical underwriting runs rampant. That is where the administrative costs run 30, 35, even 40 percent.

She recently traded that plan—the $27,000 a year plan, at $2,500 a month, almost—for a bare-bones policy that costs only $15,000 a year, but doesn't cover prescription drugs and has a $5,000 deductible. Before she gets $1 of care paid for by insurance companies, she is paying $15,000 for premiums and a $5,000 deductible. So she already has paid $20,000 before the insurance company comes in and helps her. She writes, ''This is not what insurance is supposed to be about.''

The bill before us today will take a number of steps to ensure that Americans do not meet the same fate as Ann and her family.

For one, it provides for better regulation of the health insurance industry. This insurance industry, in some ways, is one step ahead of the sheriff. It is an industry that always tries to figure out how to beat the system and how to insure you because you are healthy; they can make money on you, but they may exclude you because you are not so healthy and they might lose money.

No longer will we allow insurance companies to play that game. We will ban preexisting condition exclusions and prevent insurance companies from denying coverage based on medical history. We will eliminate annual and lifetime benefit caps. No longer will insurance companies be able to selectively cover only those who pose little or no risk of needing health care, leaving everybody else in a lurch. Health insurers are not supposed to avoid health care costs; they are supposed to cover them.

Second, this reform will extend the reach of our health care system to protect those with no health insurance today.

Let me tell you about Jaclyn. She used to work at a child care center, but her employer didn't offer health care benefits, which is not surprising. When she discovered a lump in her left breast, she had nowhere to turn. She tried the State Medicaid Program, but despite having an income in 2006 of only $4,500, she did not qualify. She had no dependents at that point. Her daughter was grown. She started chemotherapy last year, but doesn't know how she will pay her bills.

This bill would expand Medicaid and offer premium subsidies to those who need help. This bill would increase competition in the health insurance market by establishing a federally backed health coverage option for those who want it.

There is nothing like good old-fashioned competition to reduce premiums, improve customer service, and keep the health insurance on its toes.

Not surprisingly, the health insurance lobby has launched a massive campaign to prevent inclusion of a public health insurance option with which they would have to compete.

I guess competition is a good thing, unless they are the ones who have to compete. If you have a public option, insurance companies—the President says repeatedly that the whole point of

an option is that the public plan will compete with a private plan, which will keep the private plans more honest. We have done that with student loans. Fifteen years ago, the only game in town for students, by and large, if they wanted to borrow money for college, was to go to a local bank, or another service, which were all private and unregulated. President Clinton, in the mid-1990s, decided maybe we should have a direct government program so students could borrow directly from the Federal Government. Do you know what happened? The banks brought their interest rates down. The banks started to provide better service. The banks behaved better. That is analogous to what we will see with the public plan.

The conservatives in this body, who are major recipients of insurance company money for their campaigns, whose philosophies are always that business can do it better, the people who have aligned their political careers with the insurance industry all oppose the public option, the public plan. Why? It is simple. It is because insurance companies will have to cut down their administrative costs, maybe even pay lower salaries to their top executives. Maybe they will have to change their marketing practices, be less wasteful, and maybe they will behave a little better. In that case, the public option was competing with private banks, and everybody got better. A public health insurance option competing with the private insurance companies will make everybody get better. That is the whole point.

With private insurance competition, when it is just the insurance companies competing with each other, funny things tend to happen. We see huge salaries and, second, a huge bureaucracy in the insurance companies and, third, we see all kinds of marketing campaigns, and we see huge overhead and administrative costs—sometimes up to 35, 40 percent.

We also see that the term ''private insurance competition'' is often simply an oxymoron. In Ohio, the two largest insurance companies account for 58 percent of the market. I am not a lawyer, so I didn't take the antitrust course. I didn't go to law school. When you have two companies that have 58 percent of the market, that is not competition. In some Ohio cities—as I assume it is in the Presiding Officer's State of Illinois—the two largest insurance companies account for 89 percent of the market. That is not exactly healthy competition. If we bring in a public option and compete with these two companies, their rates would come down and salaries for top executives would come down. There would be no more multimillion-dollar salaries, and administrative costs would be cut. They would be leaner and meaner, a better insurance company as a result.

Finally, this bill gives providers new tools to improve the way health care is delivered in this country, with improvements that help Americans with chronic conditions manage those conditions, that can dramatically reduce medical errors and overcome unjustifiable disparities in health care outcomes.

These reforms draw insight and inspiration from the work already being done by dedicated individuals within our health care system—individuals such as Dr. Derek Raghavan, who heads the Taussig Cancer Center at the Cleveland Clinic. He has devoted himself to reducing health disparities. In Cleveland, he has been instrumental in combating significant differences in cancer death rates between African Americans and Caucasian Americans.

Dr. Peter Pronovost from Johns Hopkins has a simple checklist for preventing hospital infections, which saved 1,500 lives and $100 million over an 18-month period in the Detroit area hospitals in Michigan.

In Mansfield, my hometown, the community health workers—just high school graduates, and some with only GED, high school equivalency studies, young women in their early twenties mostly, making only $11 or $12 an hour—working with local health care authorities and doctors and nurses, reduced the prevalence of low birth weight babies from 22 percent to 8 percent over 3 years. These young women are only 5 or 6 years older than the pages in front of me. They don't have the opportunities that most of the pages have. These are young women who don't have parents who went to college, who probably weren't planning on going to college, and are only making $11 or $12 an hour—young women who grow up in some of the poorest parts of Mansfield. They have already saved lives because they have made a difference in helping pregnant women get the nutrition they should have, to learn about taking care of babies, learn about pregnancy, and they can come in to see an OB/GYN doctor. They have already had an impact on many lives. I bet that in 5 or 10 years some of these young women who didn't have much of a future because of their upbringing will become doctors and nurses because they have had this experience of making a difference.

Those are some of what is going on in this country. If we do it right, we can take this program in Mansfield and replicate it and see it all over the Nation.

This bill will also address serious workforce shortages that exist across the spectrum—from nurses, to pediatric specialists, to dental care providers, to primary care physicians.

We have a lot of work to do. I am optimistic that we can pass good health care reform in this country. We know that the first rule of thumb is to make sure that if people are happy with the insurance plan they are in, they can keep it. Second, we have to do a better job of reining in the costs to many people in the health care system—employers and individual businesses—the employers, individuals, and government. Third, we need to make sure that everybody in this country has access to health care.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE ECONOMY

Mr. GREGG. Mr. President, we are, as a nation, facing an incredibly severe fiscal situation, not only in the short term but in the long term. The debt of this country is piling up at astronomical rates. We will, this year, have a deficit that comes close to $2 trillion—$2 trillion—or 28 percent of our gross national product. We are talking about a deficit next year of well over $1 trillion. Under the budget sent to us by the President and approved by this Congress—not with my support or many Republicans—I don't think any Republicans supported it—the deficit will run at $1 trillion a year for as far as the eye can see.

The debt of this country will double in 5 years. It will triple in 10 years. Deficits are running at 4 to 5 percent of GDP—not only immediately after we get past this recessionary period—for, again, the next 10 years. And the debt-to-GDP ratio, which is a test of how viable a nation is, will jump to 80 percent.

Those are numbers which are not sustainable. Everybody admits they are not sustainable. In fact, they are numbers that are so devastatingly large and so unmanageable for our Nation that were we trying to get into the Europe Union, we wouldn't be allowed in. That is how irresponsible our deficit and our debt is. They are numbers which will lead us as a nation to lose the value of our dollar—the value of our currency—and our ability to finance our debt. In fact, we are already seeing signs to that effect. The leadership of the Chinese financial systems have made a number of statements which basically have said they would not necessarily forever rely on American Treasury notes and purchase our notes. And they are financing us right now.

The country of Great Britain, which is considered to be the second most stable country in the world, has received a notice from Standard & Poor's that its debt will not necessarily be downgraded, but it is being taken to negative status.

A leading economist and reviewer of the bond issues of the United States, as recently as today, has announced that

our triple A rating—triple-A-plus rating, which is the best in the world—is at risk because of this massive explosion in debt.

To quote Senator CONRAD, the chairman of the Budget Committee—a person I greatly admire on issues of fiscal policy—the debt is the threat, and it is. It is a threat to our Nation, it is a threat to our young people because they will inherit this massive obligation to pay for costs which are being expended today.

There are a lot of reasons why the debt is going up radically. Primarily, though, it is spending. It is quite simply spending. The spending of the Federal Government will jump from the traditional level of about 20 percent of GDP, which it has been at now for 40 years, to 25 to 26 percent of GDP under President Obama's proposal.

In the short run, obviously, revenues are a factor because we are in a recessionary period. But in the long run, what is driving the deficit, what is driving this massive increase of debt, which will be unsustainable, is spending.

Well, the Congress has a chance, in the next couple days, to do a small but significant part in the way of a public statement and in the way of a statement of policy that we are concerned about the debt. We have a chance to do something. This administration has a chance to do something. As of today, five banks have repaid large amounts of their TARP funds. It is estimated we are going to get about $65 billion of TARP payments back.

In other words, the way the TARP worked during the crisis, which almost led to a fiscal meltdown—the government stepped forward and purchased preferred stock from a variety of major banks in this country. That preferred stock paid dividends to the taxpayers. It was an asset, and it was a good decision. It stabilized the financial industry. The TARP funds kept us from going over the precipice, kept us from an economic meltdown of catastrophic proportions, and saved Main Street. People on Main Street probably don't appreciate it that much, but essentially that decision saved folks' homes, their ability to borrow, to go to school, their ability to borrow to start their business, to meet their payroll, and basically operate as a typical economy.

The idea always was that the TARP money would come back to the Federal Treasury, the $700 billion worth of TARP money that was authorized would come back after the financial situation stabilized. Well, now we are starting to see it come back in the first tranche—$65 billion plus about $4.5 billion of interest. That is pretty good. We made $4.5 billion in interest—in less than 4 months, by the way. The taxpayers did pretty well on this.

So what are we going to do with that money? Well, I suggest—and the law actually states—what should be done with that money. We should pay down the debt. That is a good way to use this money. The other option is the Treasury can simply hold on to it in anticipation of, potentially, another crisis. But that is not necessary. The Treasury still has a line of credit under TARP which reaches $50 billion to $75 billion, depending on how you account for it.

We know the risks out in the marketplace right now are nowhere near that number, and they are certainly not systemic. Therefore, these TARP dollars are not needed. They are not needed right now or in the foreseeable future for the purposes of maintaining financial stability and avoiding a systemic meltdown. So it is totally appropriate that all that money be used to pay down the debt, or at least a significant portion.

It would be an extraordinarily positive statement by this administration if they said to the markets and to the American people: The responsible thing to do is to take this money and pay down the debt. I think the market would react positively immediately. They would say we are serious. I think the American people would react positively immediately too. It would be a huge win for this President—the policy worked. This President and the prior President, President Bush and President Obama, had the courage to step up in the face of fairly significant headwinds and make the decision to use the TARP money in this way. Now it has worked, they should use it to pay down the debt and get the double win of having been able to say what we did was good policy, it was not popular policy but it was good policy, it worked to stabilize the financial institutions, and what we are doing now to pay down the debt is also good policy and it is what the law calls for in the end.

That is the first thing that could happen right now, and it should happen. This money that was paid in today to the Treasury should be used immediately to pay down the debt, and that should be announced by the Treasury—or if I were President, I would announce it myself; it is pretty good news. So that is a step in the right direction. Granted, on a $2 trillion deficit, it is not massive, but it is a statement, and a statement is important at this time. And you know, $68 billion is a lot of money anyway, so it would be a good decision.

The second thing we should do, and we can do, is not allow the war supplemental—which is an important piece of legislation needed to fund our troops—to be used as a passenger train for unfunded baggage which will pass debt on to our children on extraneous issues. That is what it is being used for.

Last week, the President held a press conference at the White House surrounded by the Democratic leadership of the Congress, and he said we are going to return to pay-go, we are going to require that new programs be paid for. I applaud that as an attitude and approach. It has not been followed around here, but I applaud the fact that he stated that and he had standing behind him the Democratic leadership of this Congress when he said that.

Ironically, on the same day, I believe, the House of Representatives passed a bill which increased spending by $1 billion which had nothing to do with the war, which was not paid for. Therefore, it did not meet pay-go but instead created a debt our children will have to pay. They stuck that legislation in the war fighting bill so it could not be amended and paid for or amended and improved. It is called the Cash for Clunkers, and it is a clunker of a bill because it passes on to our children a $1 billion price. It is $1 billion of new debt.

Why would we do that? Cash for Clunkers may be a program that is good. Maybe it is a reasonable idea to pay for old cars to get them off the road, to put new cars on the road, hopefully to increase mileage of the auto fleet and also to stimulate the economy. That may be a good idea, but it is not a good idea to not pay for that. We have already spent $740 billion on the stimulus package, unpaid for. We have spent $83 billion on the automobile buyouts, on the automobile bailout—unpaid for. Now to put this extra $1 billion on top of all that just adds insult to injury to the next generation and our children's children who will have to pay the price for this. Why should our children and our grandchildren have to pay the bill for us paying $3,500 to somebody to buy their car today? How fiscally irresponsible is that? It is especially fiscally irresponsible when you realize it is done in the context and on the same day, I believe, as the President announcing that we are going to go back to pay-go principles around here where we actually pay for new programs we put on the books. But in order to avoid that, in order to avoid what they had just signed onto, the congressional Democratic leadership down at the White House, standing behind the President and cheering when he said we are going back to pay-go, stuck this language in the war supplemental.

That is an insult to our troops. In order to fund our troops, they have to take along with them $1 billion of new debt, passed on to their children. Many of these extraordinary people who are fighting for us have children. Is it right that in order to get them the adequate resources they need to fight this war, we should send their children a bill for $1 billion so we get a public policy that we can go back to our automobile dealers with and say: Hurray, we got you this $1 billion of spending. Of course not. That is not right, it is not fair, it is not appropriate.

Okay, Cash for Clunkers may make sense if it is paid for. The way it was structured, it cannot be paid for. You cannot amend this bill in its present form, and therefore, if it passes with the Cash for Clunkers in it, a $1 billion price tag in it, we basically pass that debt on to our children.

I will at the appropriate time offer an amendment which will essentially be a pay-go amendment. It will be a point of order that says essentially—it will not be under pay-go because if I did that it might bring the whole bill down and I have no interest in bringing the whole bill down—it will be a targeted point of order which will essentially be a pay-go point of order. Anybody voting against this point of order will be voting against pay-go, which will say this language, which is unpaid for, this $1 billion, should not stay in this bill in this form. Does that mean this bill goes down? No. You will hear a lot of moaning going around saying this will destroy the bill. No, it will not. This bill can be sent back to the House and passed without the Cash for Clunkers language in it, unpaid for, or it could be sent back to the House and they can put back in the Cash for Clunkers language, paid for. It can all happen within about a 6-hour day, 6-hour legislative day, maybe even less. Maybe even a half hour, knowing the rapidity of the Rules Committee in the House.

It seems this will be one of the first tests of whether we as a Congress mean what we say. Do we mean that when we say we are not going to create a new program that we are not going to pay for, we actually will stand behind those words? This should be an easy one for us because this plan can be paid for rather easily by moving money around in the original stimulus package. It is fairly obvious this plan should not be in the war supplemental to begin with, but if it is going to be in the war supplemental, it should not be in the form that passes massive debt on to our children. It is a chance to make a $1 billion statement that we are going to start getting serious about the debt around here.

I hope I will be joined in this point of order by my colleagues who are interested in the integrity of the pay-go process and in not passing on to our kids a $1 billion bill they do not deserve.

I make a point of order that a quorum is not present and yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. STABENOW. I ask unanimous consent to speak as in morning business.

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

CASH FOR CLUNKERS

Ms. STABENOW. Mr. President, I come to the floor to respond to my friend, the distinguished ranking member on the Budget Committee, who just spoke a moment ago about the supplemental and one provision, a very small provision, in this very large bill. I hope that when there is an effort to waive all the budget points of order, colleagues will support doing that while remembering thousands of small businesspeople across this country who are asking that we support them at this time of real crisis as it relates to automobile sales, not just in the United States but all across the world.

We have a global crisis right now. We know in our credit markets it has resulted in people not being able to come in and buy an automobile. It is compounded by the huge losses in jobs that we have seen where people cannot afford to come in and buy a new automobile.

My colleague spoke about small but symbolic measures. I would hope that our colleagues, who I know care deeply about dealers—we have heard this from Republican and Democratic colleagues; we have had bills held up on the floor to work on efforts that I was proud to join in helping our auto dealers.

I would certainly hope that colleagues would not decide for symbolism to focus on what is less than 1 percent of this supplemental—less than 1 percent of the supplemental—focused on helping America's auto dealers at this critical time. In terms of this supplemental, it is a very small amount of money. It has received a lot of focus from a lot of concerns, which I appreciate, on how things are written or how colleagues would do things differently. I appreciate that.

But the reality is we are in a crisis, not just in my State but all across the country and, frankly, around the world when we look at what has been happening to small businesses and communities across America. I know what this feels like. My father and grandfather had the Oldsmobile dealership in the small town where I grew up in northern Michigan. When I grew up, the first job I had was washing cars on the car lot. I know what has happened to small businesses across America right now that have played by the rules and, through no fault of their own, find themselves in a very difficult circumstance.

We have a small provision that has been given a lot of different names. One version of it has been called cash for clunkers. It is based on a bill on which I was proud to join with House Members that is called Drive America Forward. But it would incentivize people to go into these small dealerships across America and give them an opportunity, an incentive, or support to be able to buy a new car.

Why is this important? Well, we have seen from January to May of this year, compared to January to May of last year, across-the-board reductions in auto sales: 41.8 percent for GM; 39 percent for Toyota; 36.8 for Ford; Chrysler, 46.3 percent; Honda, 34.4 percent. It is pretty rough if you are an auto dealer and you see your sales going down month after month—30 percent, 40 percent—to be able to make the payroll every week for your employees. It is pretty tough to do that.

Around the world, we have seen efforts to help automakers, to help auto dealers, to help communities, to help middle-class consumers and those who want to be able to purchase a vehicle to be able to do that.

Our dealers, on average, employ 53 people each, over 116,000 people directly. That is the entire combined workforce of GM and Chrysler together. We are talking about a large number of people who have come in a number of ways to ask us to help them. This is one opportunity. This is it. This is what is in front of us.

We know how hard it is to move legislation through the House and the Senate. We are the last place, the last vote standing between helping the dealers of America and turning our backs on them. This is the last vote. This is the one vote as to whether we are going to be able to step forward and be able to help them.

Every other industrialized country, small and large, understands what has been happening, and they are fighting for their middle class. They are fighting for their jobs. They are looking for every class they can to help.

The question is, Will we? Germany began a program similar to the one that we are talking about that is funded through this bill in January. By the end of the first month, sales were up 21 percent, 21 percent. That is money in the pockets of small businesses and large dealerships. Across Germany it was so successful they extended it and had sales continue to go up as a result. When our auto sales were going down 41 percent, Germany's—during the same period—went up 21 percent because they said: You know what. We have to stop the bottom from falling out of this. It is too important for our economy. We want to do something about it. And they did. Now similar programs exist in a number of countries: China, Japan, Korea, Brazil, Great Britain, Spain, France, Italy, Australia, Portugal, Romania, and Slovakia—Slovakia. If Slovakia can help their auto industry and their car dealers, I think the United States of America ought to be able to step up and help.

This is a small effort, a few months, to give a boost, a stimulus, to a group of small businesses, an industry that has been talked about on the floor many times and that we need to care about. This particular program is not only supported by Ford and domestic auto companies, but it is also, of course, supported by the National Auto Dealers very strongly, the United Auto Workers, the National Association of Manufacturers, the Steel Workers, the Automotive Recyclers Association, the Specialty Equipment Market Association, the Motor and Equipment Manufacturers Association, the AFL–CIO, the Business Roundtable, and the U.S. Chamber of Commerce.

All have come together to ask us to do something and to support this effort. We are now at a point where we have to decide if we want to help. It is not just about the automakers. You know, we know that help—and a lot of it—is going to GM and Chrysler, and those of us who represent them appreciate that very much. But this is much broader than that. This is all kinds of dealers, all kinds of automakers. Not only those who work in the plants, whom I care about deeply, but it is people who work in offices, the engineers, the designers. This is an economic tsunami that has hit every part of the economy when we look at this entire industry: the clerks, the office managers, the sales people, the mechanics, the car washers, up and down.

The global credit crunch has had a devastating effect on everyone in our economy who relies on the sale of automobiles: Printers, advertisers, local newspapers, television stations, radio stations. They are all asking us to act.

This is a reasonable, focused, short-term effort to help those who have been having an extremely difficult time just holding their heads above water. We know this effort can make a difference.

I thank our House colleagues who have done a tremendous amount of work on this matter. I want to thank Congressmen MARKEY and WAXMAN and STUPAK and DINGELL and BOUCHER and others who were involved in putting this together and putting it into the energy and climate change legislation reported out of the Energy Committee in the House of Representatives.

I thank every one of the 298 Members of the House on a bipartisan basis. Over two-thirds of the House of Representatives voted for this legislation, and it was put into the supplemental in an emergency document, an emergency piece of legislation. It was put in there because of what has happened with the bottom falling out of the economy for dealers, dealers that have found themselves in very difficult circumstances because of bankruptcies, and dealers that are trying to move forward and trying to be able to survive during this economy.

I know there are colleagues who would like to see this have more energy efficiency provisions. I believe in the context of what we do going forward in the energy bill and climate change we can work together to fashion something that has a focus, an input, from everyone who cares deeply about these issues.

At this time and place, this legislation is a balance between those of us who are concerned about an immediate stimulus while meeting the needs and concerns about increased fuel efficiency. We are making amazing strides on fuel efficiency. The President of the United States, not long ago, announced increased fuel efficiency standards. No one in the industry objected. I did not hear objections. I certainly did not object. This is not about whether we need to increase fuel efficiency. We do and we are. We will continue to do that.

This bill, while being a short-term stimulus, also helps in that regard because it will give a voucher of either $3,500 or $4,500 toward the purchase of a new, more fuel-efficient vehicle.

When you look at your own home situation, anyone who is going to want to be a part of this is going to make sure their car, that automobile, is worth $3,500 or less or $4,500 or less. Someone is not going to turn in a $15,000 used vehicle to get a $4,500 voucher.

So, by definition, we are talking about older cars. Some people have said ''clunkers,'' and people have kind of thrown that around, and ''what does all of this mean''?

But we are not talking about a $50,000 vehicle with a resale value of $20,000 or $15,000. We are talking about older vehicles that are worth $4,500 or less.

The legislation requires, as has been done in other countries, when you turn it in, that the engine is scrapped, the parts of it that we do not want to continue to use—because of the lack of fuel efficiency—are scrapped. We can recycle some of the other parts, but the basic transmission system is scrapped.

So we are talking about older vehicles worth $4,500 or less, the polluting pieces of the automobile are scrapped, and then we are talking about the ability to purchase a vehicle that is more fuel efficient. In the case of automobiles, you need a minimum fuel economy of 22 miles per gallon or more, you get a $3,500 voucher for a 4-mile-per-gallon improvement, and a $4,500 voucher if the new vehicle you purchase is 10 miles per gallon or more fuel efficient.

So there is a benefit from a fuel efficiency standpoint. There is benefit. I appreciate that for some it is not enough. I do appreciate that. There are those who would like to see something different, and certainly we will have opportunities to continue to work together in that regard.

But I go back to my original premise. At this time, in our economy, at this time with what has been happening on unemployment, what has been happening to businesses, large and small, because they cannot get capital, because of the ripple effect in the auto industry, of what is happening to suppliers, to dealers, to anyone involved in this industry—and 1 out of every 10 persons in America is in some way related to the auto industry—at this time we need to be prudent and balance what we are doing in a way that makes sure that all parts of the auto industry, domestic and foreign, can participate and that we are doing this as quickly as possible. It will not help as a stimulus if this is done 6 months or a year from now.

I don't know how much longer the car dealers in Clare, MI, where I grew up, can hold on, if they are losing 40 percent a month in sales. I don't know how much longer they can hold on. I don't know what happens to the Chrysler dealer and the GM dealer trying to turn over inventory now as they wind down. I don't know what happens. But I do know we will see more dealerships close. We will see more people lose their jobs. We are going to see more mainstays of local communities finding they cannot make it.

This is the moment. We won't get another chance. We will not get another chance. This is the moment to help. We have other opportunities to work together on other policies. I say to my colleagues on both sides of the aisle, for all of the dealers who have been calling and asking for help, this is the moment. This is the vote. There won't be a second vote. So when you go home, think about what you want to say to the small business people, the auto dealers, office managers, mechanics, people who are involved in that business in your community, when you had a chance to help. I hope we will take it. I hope we will take it as the House did. I hope we will see overwhelming bipartisan support, as we saw in the House of Representatives for this particular policy.

I strongly urge colleagues to vote to override the budget points of order. All of them will be asked to be overridden. I encourage colleagues to do that. I hope we will show that we get it. Do we get what is going on in communities across America? This vote will say whether we get what is happening and have a sense of urgency about stepping up to help.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRAVEL PROMOTION ACT OF 2009

Mr. REID. Mr. President, it is my understanding there is a bill to be reported, Mr. President.

The PRESIDING OFFICER. That is correct.

All postcloture time on the motion to proceed having expired, the question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1023) to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)