

The Standing Committee's investigations of these two nominees are under way. Under our normal timetable, it would be reasonable for you to expect to receive our evaluations by the close of this month. It is unfortunate that, during the confirmation hearing, your committee members will not have the benefit of the Standing Committee's comprehensive review.

Despite these developments, I assure you that the Standing Committee will continue its work evaluating both nominees and will make every effort to expedite the process without compromising the thoroughness or quality of its evaluation. This is consistent with our previous practice when, on rare occasions, we have been confronted with a similar situation. Our evaluation of each nominee will be submitted to your committee and to the Administration as soon as reasonably possible. We sincerely hope that the Judiciary Committee will defer further consideration of, and that the Senate will take no action on, these two nominees until our evaluations are submitted and can help inform your critical deliberations.

It is our belief that by evaluating the integrity, professional competence and judicial temperament of each nominee, the ABA helps to ensure confirmation of the best qualified individuals for lifetime appointments to the federal bench. The ABA Standing Committee on the Federal Judiciary looks forward to continuing to work with you in pursuit of that goal.

Sincerely,

C. TIMOTHY HOPKINS

*Chair.*

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Florida.

#### HEALTH CARE

Mr. NELSON of Florida. Madam President, and, of course, to my distinguished colleague from Pennsylvania, this Senator certainly did not mind waiting because it was a matter of great concern. And it was obvious to this Senator in the elevator that the Senator from Pennsylvania had a matter of great weightiness that was something that he wanted to share with the Senate.

I shall always defer to the eminent scholar of the Senate, and I am glad that the Senator has spoken, and spoken his mind. This Senator would like to speak his mind on a subject that is heavy on the hearts of the American people; that is, what is the future of their health care.

It is clear people are concerned because health care has become something that dominates someone's thinking, if they do not have the assurance of having that health care. The number of insured has reached 47 million people. It looks like that number is going to increase, particularly as we are going into an economic downturn that plagues us and seems it will continue to do so. In the meantime, the American people also know health care costs are increasing at a rate much higher than their average paycheck. So that worries the American people.

It is a fact that Americans spend more money on health care than any other country in the world. Sometimes we don't have as good results. For example, one recent study says life ex-

pectancy among certain groups of women in the United States is actually going down due to the prevalence of growing chronic disease.

In Florida, the problems are no less severe: 19 percent of all children in Florida are uninsured, one of the highest rates in the country; 25 percent of all nonelderly Floridians are uninsured, a quarter of the nonelderly Floridians, those not covered on Medicare. Of course, the people are getting concerned because we in Washington are unable, between the executive and the legislative branches, to strike a solution.

The long and short of it is, there are some solutions that are starting to percolate to the top. There is one that has 7 Democrats and 7 Republicans, 14 of us, bipartisan cosponsors. What it does is, it insures everybody universal coverage, the 47 million people who now do not have health insurance who, by the way, get health care because they get it at the most expensive place when they get sick, which is the emergency room, and they get it at the most expensive time, because they haven't had preventive care, when the sniffles turn into pneumonia so the treatment is all the more expensive, so the most expensive place at the most expensive time. Guess who all is paying for it. The rest of us are paying for it because they do not pay and do not have the health insurance that goes into the overall absorption of those costs.

The rest of us, who are fortunate to have health insurance, pay in the rates we pay for the care we get. That is one important principle of what this group of 14 bipartisan Senators, led by Senator WYDEN and Senator BENNETT, have come out with.

The next important principle of this proposal for completely revamping and reforming the health insurance delivery system is that you let the principle of insurance work for you. That is, to get the largest possible group—in other words, millions of people—over which to spread the health risk. So if you spread that health risk over millions of people who are representative of the whole population, young and old, sick and well, you are going to bring down the per-unit cost for the premium per policyholder. That is in significant contrast to the fact of a small group, where the actuarial soundness in order to set the premiums for a small group—let's say 5 or 10 people, just a few lives over which to spread that health risk—is extremely high.

That is one of the reasons why in taking that principle of insurance, you have to decouple from saying that insurance should be organized on the basis of an employer. If an employer is large, with 100,000, a couple hundred thousand lives, then, in fact, you have a large population over which to spread the health risk. However, if the employer is a mom-and-pop grocery store, with only a handful of lives, you see the prohibitive cost of that insurance and, therefore, what is happening is,

employers are at the point that they are not able to afford it anymore. More and more people of those 47 million in this country who are not insured, in fact, are adding to those rolls.

So what this bipartisan bill, called the Healthy Americans Act, is attempting to do is to say: We are going to bring in all those people out there who are uninsured so we spread the base, and we are going to organize the private marketplace upon which private insurance companies will compete for that business. We are going to organize it ideally around millions of people. The way the bill is structured, it organizes it around the State. But if that State is a small one, there is nothing that would prohibit that State from joining with several other small States to create a sizable population that the health insurance companies would, in fact, compete for.

Then, the next principle in this insurance is that the consumer will have choice. The basic underpinning of the minimal value of a health insurance policy is the same kind we have. We, as Federal employees, have a minimal health benefit package from the Federal Government. We spread our insurance cost over 9 million Federal employees and Federal retirees. Therefore, we can get the economies of scale and let the Federal size work for us. So, too, the reorganization in this bill, the Healthy Americans Act, to allow the greater numbers to bring down that per-unit cost or the cost, in other words, of what the individual policyholder makes.

It is a very complicated system, how you transition out from an employer. There is a certain amount that the employer has to pay into the system, according to the size and the payroll. Individuals would have the responsibility of paying for their health insurance. They would pay for that by deductions from the Federal income tax, just like withholding tax is deducted now. By decoupling from their employer's insurance, if they chose to do that—and if they wanted to stay with the employer, they could, but by decoupling, they would not get less money because there would be the so-called cashing out of the employee, so the employee would get the same financial benefit from the employer they got before, when the employer was paying for their health insurance premiums. It is all very complicated.

The Congressional Budget Office has done a cost analysis and says under this law the Federal Government will break even financially in the year 2014, when it is implemented, if it were to first be implemented starting this year. So it basically requires the responsibility on the individual, the employers, and the Government to come together to make this funding for health care work. You get the efficiencies of competition in the private marketplace. You get the economy of scale. That economy of scale is not only brought in by expanding the pools

over which that insurance is applied but expanding those pools even more by bringing in the 47 million uninsured.

The bill emphasizes prevention to improve the health of Americans. It certainly improves their access to care, once they get sick, and also access to care by giving them preventive incentives to go in and do the kind of things with medical advice before they would ever get sick in the first place.

There are things in the bill that, as we continue to discuss it, certainly I wish to see. I wish to make absolutely sure that those currently covered under the Children's Health Insurance Program, which would be folded into this, as well as Medicaid, which would be folded into the program, I wish to make sure they receive affordable insurance of quality comparable to or better than what they currently receive. There are other concerns that will come up from time to time.

There is no one who has filed this legislation who thinks it is going to be enacted or seriously taken up this year, but there has to be a starting point. A great responsibility will rest on the shoulders of the next President because the American people are not only crying out for health care reform, they are demanding it. Because the cost of that health care is extending beyond their reach, it is incumbent upon us to be visionary and creative. It is certainly incumbent upon the next President to be visionary and creative and cooperative, cooperative with the Congress so we can forge a solution to help America solve her health insurance problem.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMERICAN ASSOCIATION OF INTELLECTUAL & DEVELOPMENTAL DISABILITIES

Mr. DURBIN. Madam President, I am pleased today to join the Illinois chapter of the American Association of Intellectual & Developmental Disabilities in recognizing recipients of the 2008 Direct Service Professional Award. The recipients are being honored for their outstanding efforts to enrich the lives of people with developmental disabilities in Illinois.

These awardees have displayed humanity and professionalism in their work. They are an inspiration to the people they work with every day, and they are an inspiration to me as well. They have set a fine example of community service for all Americans to follow.

These honorees spend more than half of their time at work in direct, per-

sonal involvement with their clients. They are not primarily managers or supervisors. They are direct service workers providing care for people with special needs. They do their work every day with little public recognition, providing assistance that is unknown and unnoticed except to the people they spend their days with.

It is my honor and privilege to recognize the Illinois recipients of AAIDD's 2008 Direct Service Professional Award: Robin Armond, Terry Ber, Vanessa Bradley, Debora Buchanan, Betty Carr, Eleanor Dewhart, Dawn Elliot, Barrett Girard, Jeri Von Holten, Cindy Jennings, Leonard Maniece, Adam Mize, Pat Murphy, Janet Newlin, Melissa Parnell, Hilary Pacha, Rhonda Risley, Sharon Watson, Denise Williams, Kimberly Woosley, and Delia Zavala.

I know my fellow Senators will join me in congratulating the winners of the 2008 Direct Service Professional Award. I commend their dedication and join the AAIDD in thanking them for their service.

#### SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Madam President, I ask unanimous consent to have printed in the RECORD an explanatory statement approved by the Committee on Appropriations accompanying three amendments to the House amendments to the Senate amendment to H.R. 2642, concerning emergency supplemental appropriations for fiscal years 2008–2009, which the Committee on Appropriations authorized the chairman to offer on behalf of the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR ROBERT C. BYRD, CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS, REGARDING THE 2008 SUPPLEMENTAL APPROPRIATIONS AMENDMENTS TO AMENDMENTS OF THE HOUSE OF REPRESENTATIVES TO THE SENATE AMENDMENT TO H.R. 2642

Following is an explanation of the committee authorized amendments of the Senate to the amendments of the House to the amendment of the Senate to H.R. 2642, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008, including disclosure of congressionally directed spending items as defined in rule XLIV of the Standing Rules of the Senate.

Section 10008 of the Senate amendment specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this Supplemental Appropriations Act as if it were a report by the Committee on Appropriations to accompany a bill reported to the Senate from that Committee.

#### BACKGROUND

##### PURPOSE OF THE BILL

The Committee recommendations address the President's requests contained in the 2008 Budget Appendix, transmitted on February 5, 2007 (H. Doc. 110–3), budget estimate No. 5, transmitted on July 31, 2007 (H. Doc.

110–54), and budget estimate No. 6, transmitted on October 23, 2007 (H. Doc. 110–68). The recommendations also address the following estimates submitted this year: the 2009 Budget Appendix, transmitted on February 4, 2008 (H. Doc. 110–84), and budget estimate No. 6, transmitted on May 2, 2008 (H. Doc. 110–108).

The Committee recommends three amendments to be offered in response to the amendments of the House to the amendment of the Senate to the bill H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes. H.R. 2642 is the bill chosen by the House to address the President's supplemental requests for 2008 and to address "bridge" funding for 2009 overseas deployments and other contingencies, including military operations in Afghanistan and Iraq.

#### AMENDMENT #1

##### TITLE I

#### MILITARY CONSTRUCTION, INTERNATIONAL, AND OTHER SECURITY MATTERS

##### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### FOREIGN AGRICULTURAL SERVICE

##### PUBLIC LAW 480 TITLE II GRANTS

2008 appropriation to date	\$1,210,864,000
Supplemental estimate:	
2008 .....	350,000,000
2009 .....	395,000,000
Committee recommendation:	
2008 .....	850,000,000
2009 .....	395,000,000

The Committee recommends a total of \$850,000,000, to remain available until expended for Public Law 480 Title II Grants for fiscal year 2008. The Committee provides \$350,000,000, as requested, for the urgent humanitarian needs identified by the administration. Further, the Committee provides an additional \$500,000,000 for unanticipated cost increases for food and transportation to be made available immediately.

In addition, because the need for urgent humanitarian food assistance and continuing volatility of food and transportation costs are expected to continue into fiscal year 2009, the Committee provides a total of \$395,000,000, as requested, to be made available beginning October 1, 2008.

##### CHAPTER 2

#### DEPARTMENT OF JUSTICE

##### GENERAL ADMINISTRATION

##### OFFICE OF THE INSPECTOR GENERAL

2008 appropriation to date	\$70,603,000
2008 supplemental estimate .....	
Committee recommendation .....	4,000,000

The Committee recommends \$4,000,000 for the Inspector General to continue reviewing the Federal Bureau of Investigation's use of National Security Letters [NSL] and section 215 orders for business records.

##### LEGAL ACTIVITIES

##### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

2008 appropriation to date	\$745,549,000
2008 supplemental estimate .....	4,093,000
Committee recommendation .....	1,648,000

The Committee recommends \$1,648,000 to provide litigation support services for the Special Inspector General for Iraqi reconstruction to investigate and prosecute corruption in reconstruction efforts.

##### SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

2008 appropriation to date	\$1,754,822,000
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