

about it all the time. We talk about caring for our aging parents and the needs of our kids, and it is not going away any time soon. And it is certainly not going away if we don't begin to make it a priority and do something about access to health care.

As mothers and daughters, wives, sisters, and legislators, the Democratic women of the Senate are committed to providing access to quality, affordable health care for all Americans. One way to address this issue is to put the focus first on small business owners, their employees, and self-employed individuals, who very often are those who are uninsured.

To give a snapshot, my small businesses are the No. 1 source of jobs in my home State of Arkansas. However, only 26 percent of businesses with fewer than 50 employees actually offer health insurance. Small businesses need assistance. They need innovative ways to offer affordable, accessible health care to their employees.

There is a misnomer out there that small businesses don't want to offer health insurance. They do, desperately. They know it increases their productivity, it increases their competitiveness, and their ability to attract good workers. But it has to be affordable. Small businesses have to maintain their competitive nature with big businesses and businesses all over the globe. That is why I have worked hard to design a comprehensive solution that will allow our small businesses to ban together and spread their risk, much like the programs that we as Federal employees enjoy.

We also have to focus on critical reforms of Medicare if we have any hopes of ensuring our seniors, those who have built this great land we enjoy, continue to receive the essential care they need as they age. Efficiencies, quality measures, all of these issues we have talked about recently in some of our Medicare efforts and what we are trying to do in our Medicare reform bill, will lower our costs and provide greater quality, which is what we want to do. Modernizing Medicare to take advantage of those efficiencies, those new technologies—health IT, e-prescription, and a whole host of different technologies—will help us, if we make that investment, by providing the quality as well as the efficiencies we need.

And we can't forget about the State Children's Health Insurance Program, known as SCHIP. We must make it a priority to expand health care coverage to the most vulnerable of our society—our children. I hope if my colleagues don't want to do it just because they love children, which most of us do—we understand they are our greatest blessing in this whole wide world—we should do it because it is an investment in our future.

We know children who are healthier are going to go to school, they are going to learn better, they are going to turn out to be better adults, they are going to get their education, get better

jobs, and pay more taxes. There will be a whole host of different things that will mean so much to this country if we provide that health care for our children.

The clock is ticking, and it is up to us in Washington to find a solution so the hard-working families of this country can be assured of a healthy tomorrow. Each year that passes without action places more and more Americans in a vulnerable position. I challenge our President and our colleagues in the Senate and on the other side of the aisle to stand with us, not against us, in providing quality and affordable health care for all Americans. Look at how much it means to this country, to those individuals, those working families who are the fabric of this country.

As the richest, most powerful country in the world, we owe it to our working families who want to protect themselves and their families from an uncertain future to provide the health care coverage they so desperately need. We owe it to the taxpayers of this country today and for generations to come to provide a quality health care system that is cost effective and sustainable. That is why I believe that providing access to good health care to America's working families is worth fighting for, and that is why it is primary on our checklist for change.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the hour of morning business under the Republican control be divided equally among the following Senators: Senators ALEXANDER, KYL, HATCH, CORNYN, BOND, and MURKOWSKI.

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

Mr. ALEXANDER. Madam President, I ask that I be informed when I have consumed 9 minutes and have 1 minute remaining.

The PRESIDING OFFICER. The Chair will inform the Senator.

#### CHECKLIST FOR CHANGE

Mr. ALEXANDER. Madam President, Republican Senators—men and women—welcome this opportunity to talk about the checklist for change offered by Democratic Senators. As Senator MCCAIN has said: We all want change. But there is a right change and a wrong change. So I wish, in my few minutes, to take a few of the items on the Democratic checklist for change and talk about what I consider to be the right change and the wrong change.

Let's start with taking care of our military families and veterans. That probably should go at the top of our list because of our respect not only for the men and women who are fighting overseas but for those who are at home, both families without children or families with children. Those who are here also served.

We all have been seeking to update the GI bill for veterans so we can pro-

vide educational benefits to veterans today and to men and women who are on active duty that fit today's circumstances. Here is the major difference between Republicans and Democrats, an example of what I would consider to be the right change and the wrong change. Most Republicans favor an updating of the GI bill for veterans, as recommended by Senators MCCAIN, GRAHAM, and BURR, that would allow more servicemembers to transfer educational benefits to dependents. It would allow servicemembers to transfer educational benefits to their spouses or to their children. After serving at least 6 years, a member could transfer up to half of his or her education benefits to a spouse or child, or both. After serving for 12 years or more, a servicemember could transfer all of his or her education benefits to a spouse, child, or both.

In bottom-line terms, the Republican bill would do what the Democratic checklist says—take care of our military families and veterans—but most Republicans support the idea of giving this transferability of benefits, which could provide up to \$72,000 for a dependent or a spouse's education. The bill sponsored by most Democrats did not include that transferability of benefits. We believe we have the right change and that they have the wrong change.

Let me take another item on the checklist—enforced fiscal accountability, or protect the family checkbook, both of those. Here is an example of what we believe would be the right change in fiscal accountability and helping balance the family budget.

The Democrats had an opportunity, because they have the majority in this Chamber—remember, when we are talking about change, change in this Chamber would mean we would go from a Democratic majority to a Republican majority. The Democrats are in charge here. They set the agenda. What we talk about is what they bring up, the same as in the House of Representatives.

The Democratic budget provided a tax plan which will cause most Americans to be paying a lot more. Over the next 5 years, their tax plan provided for 84 million women to see a \$1,970 increase, because they would allow the 2001 and 2003 tax cuts to expire. Also, 48 million married couples would see a \$2,700 increase, and 12 million single women with children would see a \$1,000 increase. And more than 6 million low-income individuals and couples will no longer be exempt from the individual income tax.

Again, the right change for women and men in America would be the Republican version of lower taxes. The Democratic version is higher taxes.

Let me go to a third item—making America energy independent. How will we do that? The new economics professors on the other side of the aisle have come up with a brand new economics theory which would repeal supply from the law of supply and demand. They

are led by Senator OBAMA, who is the leading economics professor on that side with this new theory. In the New York Times this morning he said he opposes drilling in Alaska for oil and gas. He is not, in his words, a proponent of nuclear power, which provides 70 percent of our carbon-free electricity. He would consider banning new coal plants—and coal provides 45 percent of our electricity—and in 2006 he voted against expanding oil and gas exploration in the Gulf of Mexico. That leaves him, it seems to me, with very little to supply electricity and oil for a country that uses 25 percent of all the energy in the world. Instead of a national energy policy, that side has a national windmill policy.

They still have demand, but we agree with demand; that is, using less oil. Many of us on the Republican side voted for fuel efficiency standards. We believe in green buildings. We are ready to move toward electric plug-in cars and trucks to reduce our demand. But we are going to have to plug them into something. So we need five or six new nuclear plants a year, we need to explore offshore, we need to take the moratorium off oil shale, and we need to go into the very narrow part of Alaska where we would propose to explore there, still leaving nearly 17 million acres for wilderness.

We believe in the law of supply and demand. They do not believe in supply. We have the right change, we believe. They have the wrong change when it comes to energy independence.

In health care, the right change we believe would be a policy that would merge the idea of giving every American an opportunity to afford health insurance by reforming the Tax Code but using at the same time two words, "private sector," to make sure you can buy your own policy and choose your own doctor. They want the wrong change which would create a Government system where you could not do that.

Finally, I notice that education is not even on the Democratic checklist. I am not so surprised. I wouldn't put it on either if I had their set of priorities because they are opposed to the one thing that most women in America want more of, which is flexibility of time. They are opposed to giving parents more choices of schools. We have choices of colleges and universities and community colleges, but working moms cannot have a choice of the school or of an afterschool program. Some bureaucrat decides that. That is the wrong change. We would give them the right change. The Democrats oppose a Pell grant for kids, which I proposed, which would give \$500 to every low-income child for afterschool music lessons, programs, other afterschool education activities. We support charter schools. Some of the other side do, but mostly they are opposed to that.

We would favor paying teachers more for teaching well. I did that in Tennessee when I was Governor. That

mainly benefited women because there were more female teachers than men. We wanted them to have a better professional career and time in the classroom, but it was the Democrats who said no to that. And it is better for the students, to pay outstanding teachers more for teaching well because then the classrooms keep better teachers which is good for students.

Finally, in No Child Left Behind there is something called the Teacher Incentive Fund. I thank Senator DURBIN for joining me in trying to support that, but many of the Democrats on the other side have said no because that money is being used to find ways to pay principals more for being better principals, and to pay teachers more for being better teachers. They want a flat pay for all of them because that is what the unions want. So we want the right kind of change on education, but it is not even on the Democratic checklist.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. ALEXANDER. Madam President, I believe it is a good thing for us to talk about change. There is a right change and a wrong change. We believe in the law of supply and demand. They believe only in demand. We believe in lower taxes; they in higher taxes. We believe in change that allows you to buy your own policy and choose your own doctor. They would have a Government program. We believe in giving moms and dads more flexibility in choosing schools. They believe in letting the bureaucracy do it.

I welcome this debate. We look forward to change. We just want to make sure it is the right change instead of the wrong change.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, as we began this day, the Senate had pending before it a very important piece of legislation addressing the necessity of extending some provisions in our current Tax Code that enable our businesses to compete with others abroad. There were tax provisions, for example, that provide tax credits for businesses that invest in research and development. I think everyone in this Chamber supports extending those important provisions of the Tax Code, yet we cannot consider the legislation and get it done.

In addition, we have soon-to-be-pending important legislation on housing to deal with the crisis that has gripped this country in the last year or so. But instead of taking those matters up and debating them and getting the people's business done, we have taken some time out, pursuant to the Democratic leader's change in schedule here, to talk about change the Democrats would bring.

It is important to note that Republicans are not in charge of the Congress. Democrats have a majority in both the House and Senate and have

had for the last year and a half. I submit if Republicans were in charge today, we would be using this time on the Senate floor to be working on the people's business—at least the two items I mentioned before—rather than taking time out to have a debate about partisan political matters.

But as long as we are talking about change that the Democrats would bring, I suggest we have no better place to turn to, to see exactly what that would be, than what the Democrats did do when they were in charge this year. It is the one piece of legislation they have succeeded in passing. It is a budget.

What does the Democratic budget show us about what they would do if they were in charge for another 2 years? The first thing that is notable about this budget is it calls for the largest tax increase in the history of the world; in the entire history of this country. American families and the economy cannot afford this kind of change. The last thing you want to do in time of economic downturn is to raise taxes. Yet that is exactly what the Democratic budget would do.

Every single taxpayer would face a tax increase in a little more than 2 years, unless Congress acted to affirmatively stop it. It would hit 116 million American households. This is not just a tax on the rich; every single American household. The child tax credit would be cut from \$1,000 to \$500 per child. The marriage penalty would be reimposed, so that many married couples would again pay higher taxes than they would have they had remained single.

When Republicans were in charge, we created a 10-percent lower tax bracket to help those with lower incomes, reducing it from 15 percent down to 10 percent. That would be repealed. The bottom rate would once again go up to 15 percent, a 50-percent increase for our lowest income taxpayers. Every tax bracket above the 15-percent bracket would also be raised.

A family of four with \$50,000 in income would pay \$2,300 more in taxes, according to the Senate Budget Committee. That is a lot of money if you are trying to save for your family or if you are worried about gas prices.

The investment taxes we have in this country—it used to be, years ago, that was mostly for people who made more money. Now we know that American families saving for the future—seniors living on retirement incomes, people who have pension plans, the teachers' pension, whoever it might be—all would see dramatic tax hikes under the Democratic budget because these proposals hit investors, and over half of Americans are now investors. The capital gains rate would increase by a third, a 33-percent increase in the rate, and the dividends rate would jump an unbelievable 164 percent under the majority's plan.

Let's talk about seniors who report dividend income. That is where a lot of their income comes from. Nationwide,

according to the Joint Committee on Taxation, 67.6 percent of seniors reporting dividend income had adjusted gross incomes of less than \$50,000. These are not rich people—people who make less than \$50,000. That is who gets hit. How about capital gains? Same source—40.5 percent of all seniors reporting capital gains had adjusted gross incomes of \$50,000 or less. We are not hitting the rich. We are hitting folks with incomes of less than \$50,000 a year.

How about the engine of the economy, the small businesses, the entities that create almost all of the new jobs in our country, half of which are women owned? More than 75 percent of all filers in the top tax bracket report small business income. So you increase that tax bracket and you are increasing the taxes on small businesses. You are not increasing the taxes on corporations. Small businesses would have a higher tax rate than corporations. It would go from 35 percent to 39.6 percent. Is that change we want in America? I think not.

Raising taxes on small businesses will hurt their ability to grow and create good-paying jobs. They create 70 percent of all new jobs in America and it would make it impossible for them to provide health insurance and other benefits to their employees.

Let's look to Senator OBAMA's tax plan. A look at his Web site reveals some interesting things. First, he has no plans to prevent these tax increases I talked about from going into effect. His proposal is to give a \$500 tax credit per worker. So rather than preventing these increases in taxes I talked about, he would promise a \$500 tax credit—up to \$1,000 per family—only if you had an income of less than \$75,000.

We believe the first order of business ought to be to prevent this massive tax increase called for in the Democratic budget. Senator OBAMA would allow this \$2,000 per family tax hike to go into place and in exchange would give each worker \$500. Obviously, the Government picks up the other \$1,500 and the reason is because of the spending that Senator OBAMA and the Democratic majority would engage in. The budget I talked about before, interestingly enough, has almost to the dollar an increase in spending equaling the increase in taxes, so you know precisely what the plans are here if Democrats have another 2 years in power. I think most Americans would prefer the \$2,000 in tax savings under the Republican proposal to the \$500 tax credit under Senator OBAMA's proposal. Again, change that I do not think the American public would benefit from.

How about the capital gains tax increase that Senator OBAMA proposes? I talked about capital gains before. It affects seniors. It affects people with incomes of less than \$50,000 a year. He says he might allow that rate to go back up to 28 percent and—increasingly he said this—even if it were proven that it would not collect \$1 more in

revenue for the Federal Government. He said, instead, he would do it—this was during the April ABC debate—for fairness. But I am asking here, is it fair to punish investment? Our tax system treats capital gains at a lower rate because they have already been taxed once before. They have been taxed when the business earned the money and they are taxed again when the investor in that business has an asset and has to pay the taxes on it. This lower rate mitigates that taxation. That is fair. What is not fair would be to take that rate up to 28 percent. That is not change that would help the American people.

I think most Americans understand that to help business we need to help those who invest in business. That is what helps the economy grow. That is what creates jobs. It is what increases our standard of living.

Then there is one other proposal that Senator OBAMA proposes, perhaps as a result of the negative reaction to the increase in capital gains even if it produces less revenue. He says he “would propose to eliminate all capital gains taxes on startup businesses to encourage innovation and job creation,” according to his Web site. That I can agree with. But if the policy is good for startup businesses to encourage innovation and job creation, why wouldn't it be good for all of the other small businesses too? My wife had a small business. She is not just starting one up; she used to have one. She wouldn't be able to take advantage of that, but somebody just starting one would? What is the fairness in that? If it is good enough for those who are starting up, it ought to be good enough for those who can create more jobs and improve our economy.

Finally, he has a proposal on the payroll tax to increase taxes, which money would presumably go into the Social Security trust fund to be spent by the Congress, since there is no way to protect the money in a lockbox. We tried that before. So since Social Security taxes are not needed today, not all of them, to pay for Social Security benefits, the difference between what we collect and what we have to pay out to seniors is simply spent by Congress. This would be another tax increase, not for seniors in retirement, but for Congress to spend. It would increase on all incomes above \$250,000. It is capped right now at \$102,000 in income. The reason is because Social Security taxes are capped relative to the level of benefits. Benefits are also capped. If you ever break that tie, then you are going to have a welfare program rather than the Social Security program. That would not be change that is good for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I too want to talk about change, as have our colleagues on the other side of the aisle, in presenting their checklist for

change. I do not think there is anybody—certainly not myself included—who believes that what is happening here in Washington, DC, inside these hallowed chambers is something we want to continue in terms of the status quo. We do need change. But as others have said before me, we need the right kind of change. That is what I wish to address here briefly.

First, let me remind my colleagues and those who may be watching about where we are in terms of being stuck on important issues that are important to the people of this country; where Congress, under the current leadership, has simply squandered the opportunities we have, on a bipartisan basis, to work together to try to address these pressing issues.

First, it has now been 124 days since the terrorist surveillance system, known as the Foreign Intelligence Surveillance Act, has basically been unable to track and listen in on foreign terrorists because Congress has failed to pass reauthorization of the Foreign Intelligence Surveillance Act.

It has been 575 days since our manufacturers and small businesses and our farmers have been disadvantaged by the failure to take up and pass a free trade agreement with Colombia.

My State of Texas sells about \$2.3 billion worth of goods and produce to Colombia each year, but because Congress refuses to act on this free-trade agreement, my farmers and manufacturers and small businesses have to pay a tariff. That is an added penalty, basically, on their products in Colombia that is not imposed on Colombian goods when they are sold here in the United States.

This free-trade agreement is good for my State and for the United States because it creates markets for our goods and our produce, which creates jobs here at home. But for 575 days now, we have seen no action on that important agreement.

There have been 720 days that some judicial nominations have been waiting for a vote. I want to come back to that—720 days since some of these nominations have been pending. As astonishing as it may sound, now when gasoline prices are well over \$4 a gallon, when the price of oil is up around \$135 a barrel, it has been 786 days since Speaker PELOSI—when she was running for the House of Representatives and running basically for Speaker, she promised a commonsense plan to bring down the price of gasoline at the pump. We are still waiting for that plan. We have not seen it yet. I believe this is the kind of change people across this country would love to see. They would love to see us come together to try to solve these problems. But instead of that, they see us stuck in a rut, engaging in political posturing rather than solving the problems that confront our Nation.

I wish to talk briefly about the third item on my list, and that is about judges.

For some reason, the Democratic majority has refused to follow through on

a promise made to our side to set hearings and confirm judges to the Federal bench. The fact is, there does appear to be a distinct difference in the philosophy of the people nominated to serve on the Federal bench between the two political parties. I believe our side believes judges should not be roving activists imposing or substituting their views for what is good for us but, rather, judges should have the very important role, the unique role of interpreting what the law is and enforcing and applying the law as written.

Judges, of course, are not elected, by and large, certainly not to the Federal bench. They are not representatives of the people, they are representatives of the law, and they serve a very important function. But when judges decide to take the law onto themselves and impose their own will rather than to enforce the will of the elected representatives of the people, they become lawless as a result.

Of course, we have seen recent examples of this, whether it be in California, where the California Supreme Court after some 200 years has decided now that the Constitution enshrines a right to same sex marriage, against the overwhelming views of the people of that State—I guess they will have another chance to vote on that in a proposition that will come before the people of that State.

We have seen it most recently by the U.S. Supreme Court in a decision where they afforded foreign terrorists precisely the same rights as an American citizen would have even though we are at war with a determined enemy that celebrates the murder of innocent civilians, as they did on September 11, to pursue their own goals. And to have judges, including the five Justices on the U.S. Supreme Court, say that for the first time in the history of our Republic, foreign terrorists have the same constitutional rights to the writ of habeas corpus in civilian courts is not only a dramatic change in the law—and it does represent change, but it is not the right kind of change.

We need to make sure social policies are made by the elected representatives of the people where we can debate these policies right here in front of the people on TV and in front of those folks who come to the gallery, but then once we make those decisions, once we have those votes, that they are honored and respected by the unelected judges.

The fact is, Senator OBAMA, the Senator from Illinois who is running for President of the United States, says he want judges who would put their heart and convictions above the letter of the law. That sounds pretty good at first blush, but the fact is, if each judge is going to decide what their heart tells them or what their personal convictions tell them as opposed to what the law is, including what the Constitution of the United States says, that is not law at all. That is sort of an impressionistic way of deciding how to impose

your views, because you happen to be a Federal judge, on the people of this great country.

We know there has been an effort to drag feet in terms of confirming judicial nominees, presuming, I guess, that the election will provide another opportunity for our Democratic colleagues to then see a Democratic President nominate judges to the Federal bench, at which time they would expect us to forget the foot-dragging and obstruction we have experienced when we have had a Republican in the White House, and somehow they believe that would not be reciprocated. I hope we will rise above the temptation to reciprocate the kind of treatment this President has received if a Democratic candidate was elected President of the United States. But it is the same sort of tit-for-tat retaliatory mindset that has gotten us into this quagmire we need to get out of, and my hope would be that our friends on the other side of the aisle would rethink this issue and sort of get out of this rut.

My constituents back in the State of Texas tell me they are pretty disgusted with what they see happening in the Congress. Thirteen percent, according to the latest Rasmussen poll I saw, said they gave Congress an “excellent” or “good” rating. The vast majority of the American people look to Washington and they do not see a Congress that is being responsive to their needs and their wishes. They don’t see us trying to solve problems. They don’t see us having hearings on judicial nominees, asking those nominees questions about the qualifications and experience and then having a vote on the Senate floor. That is the kind of change we need as we address these issues that are important to the American people. I would hope that if our colleagues on the other side of the aisle are really desirous of change, they would work with us to help change this broken, dysfunctional Senate.

When the majority leader calls up a bill and he denies an opportunity for the minority to offer amendments or to have full and fair debate, as he did last week on the climate change bill, what he called one of the most important issues facing the planet today, it does not speak of a seriousness of attitude in terms of trying to solve problems but, rather, speaks more to an attitude of gamesmanship and political point scoring that, frankly, is beneath the honor and dignity of this institution and of our responsibilities to our constituents.

The PRESIDING OFFICER. The Senator from Utah is recognized.

#### EUROPEANIZING U.S. LABOR AND EMPLOYMENT LAW

Mr. HATCH. Madam President, on the campaign trail this election year one hears a lot about change and helping the middle class. But what do the professed “change agents” have in mind by change, and what would such

changes mean for our economy and creating middle class jobs?

Pending legislation in Congress sponsored by the change agents would more closely conform America’s labor and employment laws to the failed European model which has saddled the French and Germans with 30 years of higher unemployment, stagnant job growth, and lower productivity. French President Nicolas Sarkozy has said workplace regulations in France are “unjust, discourage work and job creation,” and “fail to bring equal opportunity” to the middle class. German Chancellor Angela Merkel has called for reform of Germany’s labor regulations for the same reasons.

At a time when leaders in France and Germany are trying to reform their workplace laws and move closer to the U.S. system, do we really want to infect our country with European-style workplace regulations that could cost middle class jobs and curtail economic growth? Do we really want to become another France?

For more than 70 years, union representation elections in the workplace have been supervised by career employees at the National Labor Relations Board to ensure the elections are conducted fairly and privately. The deceptively misnamed Employee Free Choice Act pending in Congress would deny employers the ability to petition for private ballot elections among their employees to determine whether or not the employees, voting by secret ballot just as in political elections, desire to be represented by a labor union.

The bill would scrap our current system of private voting in secret ballot elections and replace it with a forced card check certification in which employees can be pressured by union organizers into signing union petitions, or union authorization cards at work, at home, in a bar or on the streets. Union leaders boast that this change would lead to millions of new union members, but at what cost to workplace democracy?

Even worse, the bill would turn over a business’s financial competitiveness to federal Government-appointed arbitrators to set wages, pension and health care benefits, work hours and other terms and conditions of employment. If, after only 90 days of bargaining, the parties themselves have not agreed on the terms of an initial union contract, the bill would mandate interest arbitration through which a federally-appointed outside arbitrator would be vested with virtually unchecked authority to impose a contract binding for 2 years on the parties, without even a ratification vote among the employees to approve its terms. Such determinations imposed on the parties will be affected by the arbitrator’s own economic or social theories, often without the benefit or understanding of practical, competitive economic forces.

Is that the change we need to help the middle class?

Consider further the misnamed RESPECT Act, sponsored by the same