

see, the chief actuary concluded, 12 million people lose their employer-sponsored coverage because small employers would be inclined to terminate coverage so workers would qualify for heavy subsidies through the exchange.

The biggest number of people who will be covered will be those who are pushed into Medicaid, which, under this proposal, does expand significantly. The problem with that is, it passes on enormous costs to the States. You heard the former Governor of Nebraska and the former Governor of Tennessee talk about that. My Governor, Governor Rounds, in South Dakota, said we are going to be faced with \$134 million in increased costs to the States to pay for this because Medicare is a partnership between the States and the Federal Government. So any benefit we get—about 60 percent of the people who will get coverage because of the bill will get it through Medicaid at an enormous additional cost to the States, which will be passed on to the taxpayers in the individual States.

So you will have higher taxes on small businesses, higher taxes on individuals, and you will have Medicare cuts that will impact seniors and providers. The amazing thing about all this is you are going to have higher health care costs when it is all said and done. It is remarkable that anything could be called health care reform that raises costs the way these proposals would do.

Finally, in response to what the other side has said, which is that Republicans don't have alternatives, that is wrong again. Republicans have proposed step-by-step solutions that would do this right, so it would drive down the costs, such as interstate competition, allowing people to buy insurance across State lines; small business group health plans, which would give businesses the advantage of group purchasing power, tort reform. We have a range of things we hope we have an opportunity to get to. We have to defeat this \$3 trillion monstrosity.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, during the course of the day today—and I feel I can do this since it is my birthday—I had five different subjects I wish to cover. I will make one comment about the talk just given—the eloquent speech just given by the Senator from South Dakota.

I think the thing that surprises most people is, we will have meetings and people will say: Wait a minute, you don't even know what is in the Senate bill being written up behind closed doors. The comments we are making—most of them—refer to the bill passed in the House. The reason for that is, that is the only thing we have to talk about.

I ask unanimous consent that I be recognized until such time as we move on, and I understand that is 11:20.

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

#### GUANTANAMO BAY

Mr. INHOFE. First of all, right after the conference luncheon, we are going to have my amendment having to do with Gitmo. This is a very simple one-page amendment that states that none of the funds appropriated, or otherwise made available by this act—on MILCON—or any prior act may be used to construct or modify a facility or facilities in the United States or its territories, to permanently or temporarily hold any individual who is detained as of October 1 of 2009 at Gitmo.

You might wonder, we have been talking about this, and I have actually had pass two amendments that do almost the same thing. We passed an amendment to the 2007 resolution 94 to 3—a bipartisan amendment to the war supplemental offered by me and Senator INOUYE from Hawaii. It passed 90 to 6 in the current Senate Defense appropriations bill. It is in conference. My concern is, in conference, it may be removed. Keep in mind, we sent this language to conference once before, and it came back and merely said that if the President announces a plan of what to do with those individuals who are incarcerated at Gitmo, we would have 45 days to discuss that. It doesn't say we have to agree with the plan he gives.

Consequently, there are no teeth in that. This may be our only chance. This is an issue that has always passed by over 90 votes. So I will have that amendment. I hope people will understand the whole country was upset when they found out on Friday the 13th—and that was kind of an interesting day for this—when Khalid Shaikh Mohammed, as announced by the President, was going to be tried in New York City, and they were going to move five terrorists into the New York City area. I will not debate this thing. It has been worn out in the press.

People realize that if we are going to bring these terrorists to the United States, they will become targets for terrorist activities. Besides that, you cannot try someone under our court system who should be tried under a tribunal. The rules of evidence are different, and we have a perfect place for that down in Gitmo. Again, I will be offering that amendment.

#### PRESIDENTIAL TRIP TO CHINA

Mr. INHOFE. Mr. President, I wish to talk about the President's trip to China. It appears evident—which we have known all along—that we are not going to be passing anything in this country on cap and trade. We have the bill that is up right now by Senators KERRY and BOXER, who have talked about this now for 8 years. Every time they talk about it, there is more and more opposition to it. Right now, the interesting thing is that the most re-

cent polling shows that only 4 percent of the American people think this is a problem. Four percent are wrong and the 96 percent are right.

Nonetheless, in China, keep in mind, their output of CO<sub>2</sub> emissions could amount to twice the combined emissions of the world's richest nations, including the United States, the European Union, and Japan. Consequently, the problem there is China, India, Mexico, and the developing countries. We all know nothing will pass this body that doesn't treat the developing countries as developed nations.

I will not dwell on this. At a later time, I will. I plan to make a very long—well over an hour—talk. I am trying to get some time now to do that. This will be the fifth time I have done this in the last 6 years concerning this particular subject, which is the alleged global warming attached to the CO<sub>2</sub> emissions.

I will say this: As far as what is going on right now in China, the Chinese are not going to line up and agree, in Copenhagen or anyplace, to start reducing their own emissions. Frankly, they are the ones who are the big beneficiaries. This is kind of interesting, because even if we did it and the developed nations did it, it still wouldn't have any material reduction in CO<sub>2</sub>. Even if you believed CO<sub>2</sub> or anthropogenic gases caused global warming or climate change, it is still not going to work, as Tom Quigley said it would back when Senator Gore—Vice President Gore at that time—tried to do a study to determine what wonderful things would happen if we joined the Kyoto treaty. The question was, to his own scientists: If all nations, all developed nations, including the United States, the European Union, and all of them, were to sign the Kyoto treaty and live by its emission requirements, how much would it reduce the temperature? Tom Quigley, a renowned scientist, came out with this report and said it would reduce it by less than seven one-hundredths of 1 degree Celsius by 2050. So all of the pain, all of the taxes, the largest tax increase in the history of America, and it does not reduce anything. Consequently, I don't think it is necessary to belabor that. China is not going to do it, no matter what the President does on his trip to China.

#### HAMILTON NOMINATION

Mr. INHOFE. As I am rounding third and heading home, I am concerned that we are going to be voting this afternoon on the nomination of David Hamilton to be a judge on the Seventh Circuit Court of Appeals. I think Hamilton is, without question, a liberal activist judge. He believes judges do not simply interpret the Constitution of the United States but that judges have the power to actually change the Constitution when deciding cases, stating that—this is his quote, Mr. President—“part of our job here as judges is to

write a series of footnotes to the Constitution." This is exactly what our Founding Fathers did not want us to do. Judges are supposed to interpret what we do in this Chamber.

When he was nominated to the district court in 1994, the American Bar Association rated him as not qualified. I voted against him for a number of reasons back in 1994. I don't very often agree with Vice President BIDEN, but I have to say this. Vice President BIDEN made a statement some time ago with which I do agree. That is, if you are in the Senate and you have a judge who is coming up for confirmation by the Senate, and if you oppose that judge when he comes up to be a Federal judge, then later on when he wants to become a circuit judge or even a Justice of the U.S. Supreme Court, if you opposed him at a lower position, you have to oppose him at the next position because the bar necessarily goes up. For that reason and many other reasons, I will be opposing him.

I think it is important that in 2003, in *A Woman's Choice v. Newman*, Hamilton issued an injunction against an Indiana law that required abortion clinics to give women information about alternatives to abortions in the presence of a physician, nurse, or somebody else—just to have that information. This is inconceivable to me this could happen.

Let's keep in mind also this is the same judge who had a ruling—perhaps the most infamous because of his 2005 decision while presiding over the case of *Hinrichs v. Bosma* in which he enjoined the Speaker of Indiana's House of Representatives from permitting sectarian prayers to be offered as a part of that body's official proceedings, meaning that the chaplain or whoever opened the proceedings with a prayer could not invoke the name of Jesus Christ in his prayer.

In his conclusion, Hamilton wrote:

If the Speaker chooses to continue any form of legislative prayer, he should advise persons offering such a prayer (a) that it must be nonsectarian and must not be used to proselytize or advance any one faith over another. This is the first time and only time I believe this has happened in a nomination. This will be coming up for confirmation. I hope all of America will be aware of the fact this is happening.

#### UGANDA

Mr. INHOFE. Mr. President, I understand my colleagues are getting very close. I want a couple more minutes and that is to mention something that is happening today in the Foreign Relations Committee. Senator FEINGOLD has an amendment with which I wholeheartedly agree. It is actually not an amendment. It is a bill having to do with the LRA. Let me explain quickly what that is.

The LRA, the Lord's Resistance Army, has for about 25 years, led by a guy named Joseph Kony in the northern part of Uganda, been mutilating kids. We have heard of the Child's

Army. They go into the villages and kidnap these kids, take them out, teach them how to be warriors, and once they join up, they send them back to the village to murder their own parents, their own family.

This has been going on for a long period of time. This bill is something about which I am very excited. Finally, we have the attention of the people in the United States, and that is to join in and go after this animal named Joseph Kony.

In the last 18 years, the LRA has captured over 20,000 kids. I have been to northern Uganda. I have been up Guru. I have watched these kids after they have been dismembered, after they cut their lips off, cut their ears off, and all of this.

When this bill first came out, I was opposed to it because Senator FEINGOLD had to pay for this bill with a reduction in some of the funds that would otherwise go to the U.S. Air Force. That has been taken out. So I join him now in saying this is something that has to take place. This is the first time we have actually had the opportunity to bring up this issue, to let it surface.

I personally talked with President Museveni in Uganda, President Kagame of Rwanda, and President of the eastern part of Congo. I have been to Goma where Joseph Kony has kidnaped these kids, murdered these kids, mutilated these kids. I can tell from personal experience this is something we need to get involved in, and we are doing it by virtue of this bill.

I have gone 1 minute past. I apologize to the managers of the bill. I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3082, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

##### Pending:

Johnson/Hutchison amendment No. 2730, in the nature of a substitute.

Johnson amendment No. 2733 (to amend-  
ment No. 2730), to increase by \$50,000,000 the amount available for the Department of Veterans Affairs for minor construction projects for the purpose of converting unused Department of Veterans Affairs structures into housing with supportive services for homeless veterans, and to provide an offset.

Inouye amendment No. 2754 (to amendment No. 2730), to permit \$68,500,000, as requested

by the Missile Defense Agency of the Department of Defense, to be used for the construction of a test facility to support the Phased Adaptive Approach for missile defense in Europe, with an offset.

DeMint (for Inhofe) amendment No. 2774 (to amendment No. 2730), to prohibit the use of funds appropriated or otherwise made available by this Act to construct or modify a facility in the United States or its territories to permanently or temporarily hold any individual held at Guantanamo Bay, Cuba.

Feingold/Sanders amendment No. 2748 (to amendment 2730), to make available \$5,000,000 for grants to community-based organizations and State and local government entities to conduct outreach to veterans in underserved areas.

Mrs. HUTCHISON. Mr. President, 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. JOHNSON. 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. JOHNSON. Mr. President, I am pleased to report that we are getting into the home stretch for the MILCON-VA appropriations bill. We have been on this bill 6 days now—I believe a record for the MILCON/VA bill. I thank my ranking member, Senator HUTCHISON, for her help in clearing amendments last evening which has put us within striking distance of completing this bill today.

The first amendment we are scheduled to vote on today is an amendment I have offered that will provide \$50 million for the VA to renovate and use empty buildings sitting on VA medical campuses to provide housing with supportive services for our homeless vets.

The VA Secretary and the President have made eliminating homelessness among vets a top priority. The amendment is fully offset by redirecting \$50 million over the President's budget request provided in this bill for DOD's Homeowners Assistance Program which the Pentagon has determined is not currently required.

This amendment is supported by 16 vets and homeless service organizations, including the VFW, the Vietnam Veterans of America, and Iraq and Afghanistan Veterans of America.

I ask unanimous consent to have letters in support of my amendment printed in the RECORD.

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

NOVEMBER 13, 2009.  
Senator TIM JOHNSON,  
*Chairman, Senate Appropriations Subcommittee on Military Construction, Veterans Affairs and Related Agencies, Washington, DC.*

SENATOR JOHNSON: As organizations working to end homelessness among veterans in America, we are writing to express our strong support and gratitude for your Amendment (SA 2733) to the Fiscal Year 2010 Military Construction, Veterans Affairs and Related Agencies Appropriations Act. The amendment would shift \$50 million to renovate and convert Department of Veterans