

Before the July 4 holiday, we will do everything we can to help stop kids from smoking before they start, make tobacco products less toxic, and make sure tobacco companies are honest with the American people about the dangers of smoking.

We will pass the conference report of the supplemental appropriations bill we passed last month—a bill that gives our brave troops the resources they need to do their jobs and return home safely.

Both the HELP and Finance Committees will continue to work on health care reform legislation, the top priority of President Obama and millions of Americans. Both committees hope to report out legislation before our July 4 recess.

We will begin work on a number of appropriations bills and, with Republican cooperation, we would like to finish work on some of those. I spoke to the Republican leader a few minutes ago, and we will have a plan to move forward on some of those appropriations bills.

We will continue working to confirm President Obama's many nominees for critical positions. Those who have chosen to serve our country must be able to get to work without delay.

We will begin the process of reviewing the most high-profile nomination of all, which is President Obama's outstanding pick for the Supreme Court. Judge Sotomayor's record and qualifications are terrific and tremendous. In fact, if she is confirmed, she will bring to the bench more judicial experience than any sitting justice had when they joined the Court.

Judge Sotomayor's experience comes not only from the legal world but the real world as well. Her understanding of the law is grounded not only in theory but also practice.

Several Senators will have the pleasure of meeting with Judge Sotomayor this week, and I know they will be impressed. She deserves a fair and respectful hearing, and I know she will get that. I will do all I can to ensure she gets that and that Senators get what they require as quickly as possible. I wish to make sure she is ready to go when the new term starts.

#### SCHEDULE

Mr. REID. Mr. President, we are going to be in a period of morning business for a while today. We have a matter that is on the calendar dealing with railroad antitrust. It is pretty clear most Senators agree there is a compromise that has been worked on, on a bipartisan basis. We will see if we can have a vote on cloture vitiated, and we will go directly to the matter.

I have spoken to the Republican leader on how we are going to proceed on the tobacco legislation. It is not quite clear yet. We need to move forward and protect the ability to offer amendments. If consent is granted on the railroad bill, we would extend morning business throughout the day.

There will be no votes today. Senators should expect one tomorrow around 11 a.m.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### READY TO GO

Mr. MCCONNELL. Mr. President, let me say to the distinguished majority leader welcome back from the recess. It is good to see him. We are ready to get to work.

#### NOMINATION OF JUDGE SONIA SOTOMAYOR

Mr. MCCONNELL. Mr. President, on the matter of the Supreme Court, I note that I spoke with the President's nominee, Judge Sotomayor, over the recess, and I assured her she would be treated fairly and respectfully during the confirmation process. I will deliver the same message when the two of us have a chance to sit down and talk later this week.

Republicans take very seriously our obligation to review anyone who is nominated to a lifetime position on our Nation's highest Court. The Senate will therefore thoroughly review Judge Sotomayor's judicial record to ensure a full and informed debate over her qualifications to become one of the chief guardians of our Nation's Constitution and its laws. We believe the American people expect nothing less.

Judge Sotomayor is no stranger to the process. This will be the third time she has come before the Senate for confirmation to the Federal bench. In considering her for a seat on the Supreme Court, the standards for review become understandably more rigorous, as the Vice President observed when he chaired the Judiciary Committee. Yet the basic qualities we look for in our justices are the same qualities we look for in any Federal judge: superb legal ability, personal integrity, sound temperament, and, most importantly, a commitment to read the law evenhandedly.

In this last respect, some of Judge Sotomayor's past statements and decisions have raised some understandable questions and concerns. One of these is a statement she made a few years back that the Court of Appeals is, "Where policy is made." I think that is a tough statement to square with Article III of the U.S. Constitution, which clearly contemplates a far more limited role for Federal judges, and I suspect that a number of us over here in the legislative branch will want to ask Judge Sotomayor questions about that statement.

The reason is simple. I think most Americans would agree that the courtroom is not an appropriate place to exercise one's political beliefs or personal preferences. As far as most of us are concerned, politics ends at the courthouse door. The courtroom is where you go to get a fair and evenhanded

reading of the law, regardless of who you are or where you came from or who you voted for. Legislators make the laws, not judges. Most people understand that and place a high value on it. And the last time Judge Sotomayor came before the Senate for confirmation, I voted against her nomination precisely out of a concern that she would bring pre-existing personal and political beliefs into the courtroom.

Many of the same concerns I had about Judge Sotomayor 11 years ago persist. But a fresh review of her record has now begun and, as I said, Republicans will insist that the confirmation process for Judge Sotomayor is conducted in a fair and professional manner. This is the way Republicans have treated judicial nominees in the past, and this is the way we will continue to treat them: with respect.

But respectful doesn't mean rushed. Judge Sotomayor has a long record, and it will take a long time to get through it. She has served 17 years on both the trial and the appellate court. She has been involved in more than 3,600 cases since becoming a judge. In order to conduct a thorough examination of all these cases, it is vital that the Senate have sufficient time to do so.

During the last three Supreme Court confirmations, the average amount of time the Senate had to prepare for a hearing was more than 60 days. For Justice Alito, the Senate had 70 days to prepare for an informed hearing. And like Judge Sotomayor, Justice Alito had thousands of cases for Senators to review. Our Democrat colleagues who were in the minority during the Alito nomination appreciated the fairness they were afforded; both the senior Senator from Vermont and the senior Senator from New York noted at the time that in handling the Alito nomination it was important to do it right, not quick.

This time around, our friend Senator SCHUMER notes that Judge Sotomayor has a very "extensive" record, and we certainly have a "right" to "scrutinize" it. So in considering this nomination I am confident our Democratic colleagues will treat us fairly and allow us to do it "right."

Throughout this process, Republicans will be guided by a few simple principles. But perhaps the most important ones are these: Americans expect and should receive equal treatment under the law, and Americans want judges who understand their role is to interpret the law, not write it. As Chief Justice Roberts put it during his confirmation hearing, the American people expect a judge to be like an umpire—someone who applies the rules but doesn't make them. No one ever went to a ballgame, as he put it, to watch the umpire.

Lawmakers make law, and they have to answer for those laws every 2 or 6 years to the voters. Federal judges, on the other hand, never have to face the voters, and thus aren't supposed to

make policy. Lifetime appointments are a serious matter, and voting on a Supreme Court Justice is one of the most important decisions a Senator will ever make. Republicans approach this nomination with a clear set of guiding principles, and we will make every effort to determine whether Judge Sotomayor shares them.

#### HEALTH CARE

Mr. McCONNELL. Mr. President, we're all interested in reforming health care. And while this debate has yet to fully play out, we already know one thing for sure: any action we take on this issue will affect every single American.

There is no doubt Americans are frustrated with the increasing cost of health care and that many are worried about losing the health care they have. Many Americans can't afford health care or have to choose between basic necessities and medical care they need. This is what is wrong with the current system, and we need to fix it.

Yet it is also true that many Americans are satisfied with the care they have. They like being able to see their doctor and being able to get the care they need, when they need it. These are the things that are right about patient-focused American-style healthcare, and that we wouldn't want to sacrifice.

So while both parties recognize that serious reform of our health care system is needed, we must also recognize the importance of getting it right. Americans want reform. The question is what kind of reform. Reform is necessary, but not all so-called reforms are necessarily good.

Based on some of the things we have been hearing out of Democrats in Washington in recent weeks, Americans have good reason to be concerned about what the future holds for health care.

The biggest concern is the talk of a Government takeover of health care. Americans suspect that what's being sold as a Government "option" would soon become the only option.

Those who like the care they have don't particularly like the idea of the people who brought us the Department of Motor Vehicles handling life or death health care decisions, like whether or not they are eligible for surgery or whether they qualify for a certain medicine according to some impersonal Government board in Washington. They don't want to rely on bureaucrats in Washington to get their phone calls returned or their office visits covered. But the prospect of a Government takeover of health care is becoming more and more real.

Democrats in the Senate want Government to play a dominant role in health care delivery. Both the chairmen of the Senate Finance and HELP Committees have said they want to produce legislation that relies on a Government-run plan. And nearly half of Senate Democrats have endorsed a

resolution stating that any health care reform must include a Government-run plan.

Democrats in the House of Representatives are circulating an outline of how they would like to change American health care. Their plan would create a Government-run insurance model that could limit patient choices. Americans who want to keep their health insurance plan should be allowed to do so. Yet one respected study showed that 118 million Americans could lose their current private insurance and end up in a Government plan if this proposal was enacted. The House Democrats' plan could also lead to the creation of a Government board that would determine what benefits and drugs are available to patients and what prices would be charged.

The administration also wants the Government to take a leading role in health care. During the campaign, the President said that if he were designing a system from scratch, he would probably "go ahead" with a single-payer system. The Secretary of Health and Human Services shares the President's belief that any reform must guarantee the inclusion of a Government plan.

The American people want health care decisions left up to families and doctors, not bureaucrats in Washington. They don't want a Government takeover that denies or delays the care they need, and they don't want politicians telling them how much or what kind they can have.

That is why many of us who recognize the need for reform will insist on making health care more affordable and accessible, while protecting the doctor-patient relationship and ensuring every American can get the care they need, when they need it. This is the kind of health care reform that Americans want, and this is the reform we will support.

I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I recognize that the order is for Senators to speak for up to 10 minutes. I ask unanimous consent at this time to speak for 15 minutes.

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

#### NUCLEAR ENERGY

Ms. MURKOWSKI. Mr. President, several years back—actually, it was

further than several years, it was in the early 1990s—there was a popular culture sensation in kids' books. The books were entitled, "Where's Waldo." Those with kids probably remember the books. It was a great way to test your kids' eyes and areas of identification. This was crafted by a gentleman by the name of Martin Hansford. You try to find Waldo with his glasses and his red-and-white striped hat. He would be tucked in on the page somewhere, filled with lots of other colors, and you would have to hunt through the page. More often than not, Waldo was tucked in behind similar looking characters who would attract your attention. They played a central role in the overall picture but ultimately were not Waldo. I see the young pages nodding. They have all seen the "Where's Waldo?" books.

I do not want to take time this afternoon talking about the "Where's Waldo." books, but I will tell you I am concerned and the point of my comments today is the concern I have that the Obama administration has engaged in a new game of "Where's Waldo" and doing so with our energy policies, only this time instead of "Where's Waldo" it is "Where's Nuclear." We will need to search carefully to find where the administration has hidden the resurgence of nuclear energy.

The confluence of high oil prices this past summer and the desire to reduce harmful greenhouse gas emissions has certainly and justifiably promoted the interest in and development of renewable and alternative forms of energy, from more mature technologies, such as wind and solar, to greater awareness of the potential for geothermal, biomass, ocean tidal energy, along with greater energy efficiency and conservation measures.

Congress in both the Bush administration and now the Obama administration was active in promoting these fields, in extending the tax breaks, mandating levels of ethanol to be used, updating our energy efficiency standards, and providing for incentives for energy conservation measures.

We are expecting to tackle a climate change bill at some point this Congress. In what shape or form certainly remains to be seen at this point in time, but we know that we must work to slow and reduce our carbon emissions. There is certainly a role for all of these technologies and increased energy efficiency to play in our energy future. But ultimately, as the new administration lays out its energy policy priorities, I have to ask the question: Where is nuclear?

In an interview with "U.S. News & World Report," Secretary of Energy Steven Chu says:

[t]he biggest gains, in terms of decreasing the country's energy bill, the amount of carbon dioxide we put into the atmosphere, and our dependency on foreign oil, will come from energy efficiency and conservation in the next 20 years.

Our Energy Secretary, Secretary Chu, has basically said that when it