

her words—as a judge, you follow the law. There is not one law for one race or another. There is not one law for one color or another. There is not one law for rich, a different one for poor. There is not one law for those who belong to one political party or another. There is one law for all Americans. And she made it very emphatic that as a judge, you follow that one law.

There is only one law. We all know that. She said, ultimately and completely a judge has to follow the law, no matter what their upbringing has been. That is the kind of fair and impartial judging that the American people expect. That is respect for the rule of law. That is the kind of judge she has been.

The purpose of the hearing is to allow Senators to ask questions and raise their concerns. It is also the time the American people can see the nominee, consider her temperament and evaluate her character, too. I am disappointed that some Republican Senators have declared that they will vote no on this historic nomination and have made that announcement before giving the nominee a fair chance to be heard at her hearing. It is incumbent on us to allow the nominee an opportunity to be considered fairly and allow her to respond to false criticism of her record and her character. Those who are critical and have doubts should support the promptest possible hearing. That is where questions can be asked and answered. That is why we hold hearings.

Judge Sotomayor is extraordinarily well equipped to serve on the Nation's highest court. To borrow the phrase that the First Lady used last week, not only do I believe that Judge Sotomayor is prepared to serve all Americans on the Supreme Court, I believe the country is more than ready to see this accomplished Hispanic woman do just that. This is a historic nomination, and it is an occasion for the Senate and our great Nation to come together. This is the time for us to come together.

The process is another step toward the American people regaining confidence in their judiciary. Our independent judiciary is considered to be the envy of the world. Though less visible than the other two branches, the judiciary is a vital part of the infrastructure that knits our Nation together under the rule of law. Every time I walk up the steps into the Supreme Court, I look at the words over the entrance to the Supreme Court. They are engraved in marble from my native State of Vermont. Those words say: "Equal Justice Under Law." The nomination of Judge Sotomayor keeps faith with that model.

Her experience as a trial court judge will be important. Only Justice Souter of those currently on the Supreme Court previously served as a trial court judge. Judge Sotomayor has the added benefit of having been in law enforcement as a tough prosecutor who received her early training in the office

of the longtime and storied New York District Attorney, Robert Morgenthau.

I appreciate that she has shown restraint as a judge. We do not need another Supreme Court Justice intent on second-guessing Congress, undercutting laws passed to benefit Americans and protect their liberties, and making light of judicial precedent.

President Obama handled the selection process with the care that the American people expect and deserve, and met with Senators from both sides of the aisle. Senator SESSIONS suggested to the President that it was important to nominate someone with a judicial record. Judge Sotomayor has more judicial experience than any nominee in recent history.

I wanted someone outside the judicial monastery, and whose experiences were not limited to those in the rarified air of the Federal appellate courts. Her background as someone who was largely raised by a working mother in the South Bronx, who has never forgotten where she came from, means a great deal to me. Judge Sotomayor has a first-rate legal mind and impeccable credentials. I think she combines the best of what Senator SESSIONS and I recommended that the President look for in his nominee.

The Supreme Court's decisions have a fundamental impact on Americans' everyday lives. One need look no further than the Lilly Ledbetter and Diana Levine cases to understand how just one vote can determine the Court's decision and impact the lives and freedoms of countless Americans.

I believe Judge Sotomayor will continue to do what she has always done as a judge—applying the law to the case before her. I do not believe she will act in the mold of conservative activists who second-guess Congress and undercut laws meant to protect Americans from discrimination in their jobs and in voting, to protect the access of Americans to health care and education, and to protect their privacy from an overreaching government.

I believe Judge Sotomayor understands that the courthouse doors must be as open to ordinary Americans as they are to government and big corporations.

President Obama is to be commended for having consulted with Senators from both sides of the aisle. I was with him on some of the occasions that he did. I have had Senators come up to me, Republican Senators, and tell me they had never been called by a President of their own party, to say nothing of a Democratic President, to talk about a Supreme Court nominee. But President Obama did call and reach out.

Now it is the Senate's duty to come to the fore. I believe all Senators, of both parties, will work with me to consider this nomination in a fair and timely manner.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### HEALTH INSURANCE

Mr. BROWN. Madam President, in 1945, President Truman delivered a speech to a joint session of Congress, in which he declared:

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 said by President Truman, 10 or 11 Presidents ago, perhaps six decades ago, and 64 years later we are still fighting to provide that opportunity and that protection.

A severely weakened economy, growing unemployment, rising health care and health insurance costs, and declining employment-based insurance are all factors contributing to the current health care crisis. Today, 47 million Americans are uninsured. An additional 25, 30, 35, as many as 40 million Americans are underinsured and millions of Americans are either underinsured or uninsured and are saddled with catastrophic medical debt.

Closing the health care gap will dramatically improve the public's health. It will also lead predictability to national health spending, which is essential if we are going to get health care costs under control.

Closing the health care gap would dramatically reduce personal bankruptcies, more than half of which result from catastrophic illness and the huge bills that go with it.

Think about that for a moment. Most bankruptcies in this country are because people have had health care bills they simply cannot pay. Most of those people have those health care bills which they cannot pay which then force them into bankruptcy. Most of those people have health insurance, but it is inadequate and has too many gaps in it.

Closing the health care gap is a short-term and a long-term investment in the health of Americans, the health of U.S. businesses—businesses whose premiums are inflated by the costs of uncompensated care. It is an investment in the health of our economy, which benefits from the health care industry but not from already too high health care costs, further inflated by needless red tape, needless duplication, needless indifference to health care needs that become more serious and more costly when they are not caught early.

Per capita health care spending in the United States is 53 percent higher here than that of any other nation in the world, and we are the only nation

in the world without an insurance system to cover everyone. In other words, we are paying at least half again as much—at least—as any other country in the world per person. Yet millions, tens of millions of Americans, do not have health insurance. Life expectancy, infant mortality, maternal mortality, immunization rates—we are not among the world leaders in any of those categories.

Interestingly, the only place we are a world leader is life expectancy at 65. If you get to be 65 in this country, the chance that you will live a longer, healthier life is greater than in almost any other country in the world.

In Ohio, \$3.5 billion is spent each year by and on behalf of the uninsured for health care that meets about half their needs. For the first time, we are on the verge of meaningful health care reform that will make a difference in the lives of Americans who have, for too long, put up with less than they deserve when it comes to health care. Our health insurance system does some things very well, but we have let the industry, the health care industry, forget its own core central purpose.

The insurance industry is supposed to bear risks on behalf of its enrollees, not avoid risk at the expense of its enrollees.

The insurance industry is supposed to protect the sick, not throw them overboard.

The insurance industry is supposed to offer affordable coverage to every American, not expensive coverage to some Americans and no coverage to the rest.

The insurance industry is supposed to cover the reasonable and customary costs of health care, not a fraction of that.

The health insurance industry is supposed to cover the doctors you need, not the doctors the insurer chooses for you.

The insurance industry is supposed to pay claims on a timely basis, not as slowly as they possibly can.

Who can forget, when Senator Obama was talking about his mother in the last months of her life, how as she suffered and was dying from terminal cancer, she spent much of her time on the phone trying to figure out how to collect on insurance, how to pay, how to simply get by and not leave debt for her soon to be very famous son.

The health insurance industry does some things pretty well, but it gets away with too much. What do we do about it? First, we put stronger insurance rules in place. Second, we introduce some good old-fashioned competition into the insurance market. That is the purpose of a federally backed insurance option, one the Presiding Officer from New York has spoken out for, as has the other Senator from New York and a majority of people in this body. It is to set the bar high enough for private insurers that they can't slip back into their risk-avoiding ways without taking a hit in the marketplace. In

other words, we need insurance company rules on preexisting conditions, on changing the way we do community rating, on a whole host of rules to make insurance companies behave better and serve the public better.

We also need this federally backed insurance option because all too often insurance companies are a step ahead of the sheriff. They always can figure out how to stay ahead of the rules that try to make them behave in a way that is more in the public interest.

The purpose of establishing a federally backed insurance option—it is an option—is to give Americans more choices and to give the private insurance industry an incentive to play fair with their enrollees, or their enrollees will look elsewhere, perhaps in the public plan.

Private insurers have helped to create a system of winners and losers—a system in which insured Americans can still be bankrupted by health expenses and uninsured Americans can still die far too young because they cannot get the health care they need.

Insurance companies have always been one step ahead of the sheriff. They have given us no reason to believe they will behave any differently. They have come to Congress this year and said: You can put some new rules on us. But when we have done that in the past, we know they have always found a way to avoid some of those rules that do not serve their bottom line. And it is their bottom line, and I do not even blame the insurance companies for acting the way they do. I just say we need a set of rules to make sure they act in the public interest.

Private insurance market reforms, coupled with the creation of a competitive, federally backed health insurance option—it is an option, just as it will be an option, once we pass health insurance, that anybody today can stay in the insurance plan they have. Nobody is going to be forced to do anything they do not want to do. Private insurance market reforms, coupled with the creation of a competitive, federally backed health insurance option represents our best hope at achieving the health reforms so vital to the health of our citizens and the future of our Nation.

Last week, President Obama sent a letter to Chairman KENNEDY of the Health, Education, Labor, and Pensions Committee, on which I sit, and to Chairman MAX BAUCUS, chairman of the Finance Committee, the other health care committee here, in which the President stated:

I strongly believe that Americans should have the choice of a public health insurance option operating alongside private plans. This will give them—

Will give American citizens—

a better range of choices, make the health care market more competitive and keep insurance companies honest.

A public health insurance option—not administered by a private for-profit insurance company but a public health

insurance option—is one of the necessary components of health reform.

There is no better way to keep the private insurance industry honest than to make sure they are not the only game in town. Historically, public health insurance has outperformed private insurance in preserving access to stable and reliable health care, in reigning in costs, in cutting down on bureaucracy, and in pioneering new payment and quality-improvement methods.

A public health insurance option will not neglect sparsely populated and rural areas, as insurers too often do. The Presiding Officer previously represented a rural congressional district in New York. She knows the problems of insurance availability in rural areas. It will not disappear.

A public health insurance option will not disappear when an American loses her job, when a marriage ends, or when a dependent becomes an adult. And the pages sitting here in front of me, when they finish school and go into the workplace, they would have an option. Once they are no longer dependent on their parents, they will have that public option, as other Americans will.

A public health insurance option will not deny claims first and ask questions later, as insurance companies too often do. It will not look for any and every loophole to insure the healthy and avoid the sick, as private insurance companies too often do.

These are the fundamental reasons why a public plan option is the key—is the key—to arriving at a health insurance system that better serves every American, insured and uninsured alike. What is the point of health care reform if we do not do it right and make sure every American citizen is better served than they are now in this health insurance market?

Madam President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senate will come to order.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I note there is nobody here who wishes to speak, so I suggest the absence of a quorum.

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

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