

is about the small businesses that have to lay off employees because they cannot afford skyrocketing health care payments. It is about small businesses that have to eliminate health insurance because they cannot afford it. It is about the three in five families who put off necessary medical care because it costs too much.

American families in every one of our States are counting on us to work together in our common interests. They are not counting the political points scored by either party. Senate Democrats want nothing more than to work with Republicans to create a bipartisan health reform bill that ensures quality and affordable help for all Americans. That is why the HELP Committee has held 14 bipartisan roundtables, 13 committee hearings, and 20 meetings of committee members to discuss various proposals—each one with the goal of reaching a bipartisan agreement. Hard-working Americans are too often casualties of our health care system. They deserve better than to also be the casualties of this kind of politics.

It is not too late for Republicans to join us for a serious discussion and sincere dialog about how to move this country forward. As I did at the beginning of this year, this Congress, this debate, and this week, I still have hope they will.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE WEEK IV, DAY II

Mr. MCCONNELL. Mr. President, the Secretary of Health and Human Services recently said that when it comes to health care, the status quo is unacceptable, and I agree with her. She then went on to say that there are a lot of people on Capitol Hill who are content with doing nothing, though she didn't name names. On that point, I totally disagree. Republicans and Democrats all share the belief that health care reform is needed. The question is what kind of reform it should be.

Some have proposed a government-run health care system that would force millions to give up the private health plans they have and like and replace them with a government plan where care is denied, delayed, and rationed. This so-called "reform" is not the kind of change Americans want. They want health care that is more affordable and accessible, but that preserves the doctor-patient relationship and the quality of care they now enjoy.

And that is why Republicans are proposing reforms to make health care less expensive and easier to obtain without destroying what's good about our system. Republicans want to reform our medical liability laws to discourage junk lawsuits and bring down the cost of care; we want to encourage

wellness and prevention programs that have been successful in cutting costs; we want to encourage competition in the private insurance market to make care more affordable and accessible; and we want to address the needs of small businesses without creating new taxes that kill jobs. But instead of embracing these commonsense ideas that Americans support, Democrats in Congress are trying to rush through a health care bill that will not only lead to a government-run system, but will do so by spending trillions of dollars and plunging our country deeper and deeper into debt.

Recently, the independent Congressional Budget Office told us that just one—just one—section of the bill being discussed in the HELP Committee would spend \$1.3 trillion over a decade. And Senator GREGG, the ranking member on the Budget Committee, estimates the HELP bill could end up spending more than \$2 trillion—more than \$2 trillion on a bill that would not even solve the entire problem.

The American people don't want us to spend trillions of dollars we don't have on a health care system they don't want. And yet that is exactly what Democrats plan to do, even though they can't explain to anyone how they will pay for it. Despite the staggering costs of the Democrat health care plan, we're being told we need to rush it through the Congress for the sake of the economy. When Republicans ask how Democrats are going to pay for it, or what impact it will have on our health care system and the economy, the only words we hear are rush and spend, rush and spend.

We heard similar warnings earlier this year when Democrats pushed through their stimulus bill, and voted on it less than 24 hours after all of the details were made public. Well, if the American people learned anything from the stimulus, it is that we should be suspicious when we are told that we need to spend trillions of dollars without having the proper time to review how the money will be spent or what effect it will or will not have.

Democrats also said the stimulus money wouldn't be wasted and that they would keep track of every penny spent. Yet already we are learning about outrageous projects like a \$3.4 million turtle tunnel that is 13 feet long or more than \$40,000 being spent to pay the salary of someone whose job is to apply for more stimulus money.

The administration also predicted that if we passed the stimulus, the unemployment rate wouldn't exceed 8 percent. But just last week, the President said that unemployment would likely rise to 10 percent.

So when Democrats now predict that their health care plan will cut costs, Americans should be skeptical. And they have good reason to be, since independent estimates show that every health care proposal Democrats have offered would only hurt the economy.

Americans should also be skeptical when it comes to Democrat promises

that people will be able to keep their current insurance. Just last week, the independent Congressional Budget Office said that just one section of the HELP Bill will cause 10 million people with employer-based insurance to lose the coverage they have. And that is even before we have seen a finished product. The bill is still missing significant sections, such as a government plan that Democrats want, which could force millions more to lose their current coverage.

The stimulus showed that when politicians in Washington say the sky is going to fall unless Congress approves trillions of dollars right away, we should be wary. Yet just a few months later, Americans are hearing the same thing from Democrats in the health care debate: rush and spend, rush and spend. Americans want health care reform, but they want the right health care reform. They want us to take the time and care necessary to get it right. And that is why the Democrats' rush and spend strategy is exactly the wrong approach.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The Senator from Arizona is recognized.

HEALTH CARE REFORM

Mr. MCCAIN. Mr. President, today, the HELP Committee will meet to discuss another new government program that seeks to promote prevention and wellness. While prevention and wellness are important and can lead to lower overall health care costs, we already have several programs focused on prevention and wellness.

The HHS Fiscal year 2010 budget request for prevention is \$700 million. In the recent omnibus approps bill there were \$22 million worth of earmarks for legislators' pet projects for prevention and wellness, and \$310.5 million worth of earmarks under the Health Resources and Services Administration. Yet the health care bill proposed by the majority includes \$80 billion new spending on new prevention programs without even acknowledging the existing programs or suggesting improvements to them. In other words, wellness and fitness has become another trough to put both feet in for earmarks and pet projects of members.

We already have \$1.8 trillion in Federal debt. Yet the majority keeps on spending on new government programs that intervene in the markets and our personal lives. Where will it stop?

The Center for Disease Control has devised programs focused on weight loss and obesity, smoking and tobacco, drinking and alcohol, injury and accident prevention. These programs receive hundreds of millions of taxpayer dollars each year. But the health reform bill being considered by the HELP Committee adds billions more for prevention on top of these programs.

This reckless spending by the majority is irresponsible. The majority should focus on whether the existing programs achieve the stated objectives. The Federal Government does nothing to measure effectiveness of prevention programs and has not a single metric for program performance. Before we create a new Federal entitlement program costing billions, we should first measure the effectiveness of our current programs.

I can tell you what is working. Employers all over the country are creating innovative, voluntary programs to promote healthier lifestyles and bring down costs. However, instead of removing hindrances to more employer prevention and wellness programs, the majority's first instinct is to create another government entitlement program and set up roadblocks to employer innovation.

I would now like to take a moment to put all of this in perspective. Today is Tuesday, June 23, and another day has passed without the Senate having a complete health care reform bill to consider. We don't yet know what the majority will propose for their so called "government plan" or how it will be paid for. What we do know is that a Congressional Budget Office preliminary estimate believes that the incomplete bill will cost over \$1 trillion but cover only one-third of those current uninsured. So I dread the Congressional Budget Office cost estimate of a complete bill. Some fear that the final price tag for covering all Americans Auld cost taxpayers as much as \$3 trillion.

We have a real problem here. Every day that goes by without the key elements of the majority's bill being available for consideration leads to another day where millions of Americans will become uninsured. This is an absolute disservice to our constituents and an embarrassment.

The President of the United States and the majority continue to allege that we will enact health care reform before we leave for the August recess. We are now approaching the July recess. We do not have an estimate or the language, much less the estimate, of two vital, important parts of any health care reform legislation: what will be the role of the employer and what will be the government mandate or the government role, and, finally, how much all this will cost the taxpayers.

So we are talking about one-fifth of the gross domestic product of this Nation, and we are expected, in a few short weeks, to enact overall health care reform with still the Members on this side of the aisle not being informed as to what the plan is, much less have a serious debate. There are meetings of the committees going on and discussion and nice things said about each other. I always enjoy that. But the fact is, we have not gotten down to the fundamental challenges of health care reform in America.

The days are growing shorter and the time is growing short. We cannot enact health care reform and fail. We cannot do that. The sooner the better that we get the full perspective of what is the proposal of the administration and the other side and how much it costs and what the fundamental issues are that are being addressed—such as employer mandates and government mandates. They are certainly not clear not only to us but to the American people.

We have to communicate to the American people how we are going to fix health care. We can't do that unless we have a complete plan to consider and present to them, as well as to Members on this side of the aisle.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

SOTOMAYOR NOMINATION

Mr. CORNYN. I would like to use the next 10 minutes or so to address the nomination of Judge Sonia Sotomayor to be the next Associate Justice of the U.S. Supreme Court. I spoke last week a little bit on this nomination and the constitutional responsibility of the Senate to conduct a fair and, I believe, dignified hearing that will be held, now, on July 13, just a couple of short weeks from now. As I said then, and I will say it again, she deserves the opportunity to explain her judicial philosophy more clearly and to put her opinions and statements in proper context. I think every nominee deserves that. But I don't think it is appropriate for anyone—this Senator or any Senator—to prejudge or to preconfirm Judge Sotomayor or any judicial nominee.

This is an important process, as I said, mandated by the same clause of the Constitution that confers upon the President the right to make a nomination, and it is the duty of the Senate to perform something called advice and consent, a constitutional duty of ours. It should be undertaken in a responsible, substantive, and serious way.

Last Thursday I raised three issues I will reiterate briefly with regard to Judge Sotomayor's record. I would like to hear more from her on the scope of the second amendment to the Constitution and whether Americans can count on her to uphold one of the fundamental liberties enshrined in the Bill of Rights: the right to keep and bear

arms. I would also like to hear more from Judge Sotomayor on the scope of the fifth amendment and whether the government can take private property from one person and give it to another person based on some elastic definition of public use. And, I want to hear more from her on her thoughts on the equal protection clause of the 14th amendment of the Constitution, which reads in part:

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

Obviously, the third issue is going to be very much in the news, probably again as soon as next Monday, when the Supreme Court hands down its decision in the Ricci v. DiStefano case, a case in which Judge Sotomayor participated on the panel before her court of appeals. That case, as you may recall, involves firefighters who took a competitive, race-neutral examination for promotion to lieutenant or captain at the New Haven Fire Department.

The bottom line is, the Supreme Court could decide the Ricci case in a matter of days, and the Court's decision, I believe, will tell us a great deal about whether Judge Sotomayor's philosophy in that regard, as far as the Equal Protection Clause is concerned, is within the judicial mainstream or well outside of it.

The Ricci case is one way the American people can get a window into Judge Sotomayor's judicial philosophy. Another way is to look at some of her public comments, including speeches made on the duty and responsibility of judging.

The remarks that have drawn the most attention are those in which she said:

I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

As I said before, and I will say it again, there is no problem—certainly from me, and I do not believe any Senator—if she is just showing what I think is understandable pride in her heritage, as we all should as a nation of immigrants. But if the judge is talking about her judicial philosophy and suggesting that some people, some judges, because of their race, because of their ethnicity, because of their sex, actually make better decisions on legal disputes, then that is something Senators will certainly want to hear more about, this Senator included.

Judge Sotomayor has made other public remarks that deserve more scrutiny than they have received so far. For example, in a speech in 2002, Judge Sotomayor embraced the remarks of Judith Resnick and Martha Minow, who are two prominent law professors who have each proposed theories about judging that are far different than the way most Americans think about these issues. Most Americans think the people elect their representatives, Members of the House and Senate, to write