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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 7, 2009, at 2 p.m.

Senate

MONDAY, JULY 6, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, architect and creator of our destinies, we marvel at Your power, majesty, and might. From the beginning, Your grace has underlain the foundations of our lives, so we ask that You would lead us in the paths of Your purposes.

Today, awaken in our lawmakers the ability to see the opportunities that exist in the challenges they face. May this knowledge motivate them to move forward with faith and optimism. Lord, show them unused resources that can be mobilized to solve problems and to make dreams come true. When they experience doubts and uncertainties, give them the wisdom to ask You for Your guidance that will save them from all false choices.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 6, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each.

Following that morning business, the Senate will resume consideration of H.R. 2918, the Legislative Branch Appropriations bill. Senators should expect at least two rollcall votes to begin at about 5:30 this evening. Those votes will be in relation to the McCain amendment and passage of the Legislative Branch Appropriations bill.

There are a few other amendments in order, but I have been told by the man-

ager of the bill, Senator NELSON, that he doubts there will be other rollcall votes.

We hope to reach an agreement to begin consideration of the Homeland Security Appropriations bill tomorrow.

ACCOMPLISHMENTS AND CHALLENGES

Mr. REID. Mr. President, I, of course, wish to welcome you and all my colleagues back after the July 4 recess. Now we are closer to the end of this year than the beginning of this year. We have much to be proud of, but our time is short and we have much to do in the coming weeks and months. So far this year we started to get our country back on track by passing bills that have already started to revive our economy. Have we revived it enough? Of course not. But what position would we be in, what kind of financial meltdown would the world be in, had we not moved forward? We have already started to strengthen our national security. We have started to protect our environment. We have started to demand accountability from government agencies and entities. We have started promoting equality and ensuring progress, as America returns to being positively viewed by the world community.

Norman Ornstein, a resident scholar at the conservative American Enterprise Institute, calls this Congress "as active and productive as any I can remember." He went on to say: "The number of major bills passed and enacted into law—serious, sustained activities in areas of broad, complex and

- This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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critical importance—are all truly impressive."

Some pundits have said the work we have done so far this year is unmatched except during the first year President Franklin Roosevelt was in office. I can assure Republicans that this serious, sustained activity will not stop. We will finish this year in the same active, productive way in which it started, and I encourage my Republican colleagues to join us. I am confident the steps we have taken in the first half of this year, and that we will continue to take, will certainly anchor our recovery. It has anchored our recovery and it will do even more so. But I also know we must keep going. We must do more, lots more.

One of the most important steps we can take is reforming health care and doing so the right way. It has to wind up being health care reform that helps the middle class, that helps everyone, not just reform to take care of those who have none. It has to be a program that takes care of those who are afraid they are losing their insurance and those who have lost their insurance. That is why we will soon bring to the Senate floor a plan that lowers the high cost of health care. We will also make sure every American has access to quality, affordable care, and we will make sure people can still choose their own doctors, hospitals, and health plans.

We will no longer let insurance companies use a patient's preexisting condition as an excuse to deny the needed coverage, and we will help small businesses give their employees health care while keeping costs as low as possible. We are committed to a plan that protects what works, fixes what is broken, and ensures that if you like the coverage you have, you will be able to keep it. We will lower costs by preventing disease in the first place, reducing health disparities, and encouraging early detection and effective treatments that save lives and money.

This is the year we must act, and when we do we must act as partners, not partisans. Rising health care costs and the risk of losing one's health care is now greater than ever. The status quo is unacceptable. Doing nothing is not an option because the costs of inaction are too great.

Americans are paying too much for health care. They can lose this health care they have with just one pink slip, one accident or one illness. Every day, more Americans go bankrupt or lose their homes trying to stay healthy, and every year we do not act health care costs increase by the billions of dollars. We must, and we will, pass health care reform.

But health care is not the only issue on our agenda. We will also continue working on a number of appropriations bills to keep our government running, funding our government. With Republican cooperation, we can finish these bills, starting today by funding the legislative branch and tomorrow by doing

the same for the Department of Homeland Security. We will continue working to confirm President Obama's many nominees for critical positions, including his outstanding nominee for the Supreme Court, Judge Sotomayor. Those who have chosen to serve our country must be able to work without delay. We have far too many nominees who have not moved forward because of Republican holds.

The Independence Day holiday was one where all Americans observed the birth of our country. The Independence Day holiday was one that reminded us of the debt we owe to the first patriots who stood for liberty and the many who died for liberty. Brave Americans have never stopped sacrificing so we can now know the self-evident truths and exercise the inalienable rights Jefferson described.

Keeping the Department of Defense strong is one of the ways we can support and thank those patriots. This work period we will do just that by passing the Department of Defense authorization bill.

The revolutionary document Congress adopted on July 4, 1776, declared that power derives from the consent of the governed. In the 233 years since that day, we have also learned we must govern by consensus. Although we will discuss, debate and disagree, I urge my colleagues to remember that finding common ground is in our common interest. I ask them not to forget that the governed, those who sent each of us here, sent us with their hopes we will work with each other, not against each other.

Finally, let me say that the long Senate race in the State of Minnesota is over. Al Franken will be sworn in as a Senator tomorrow before the weekly party caucuses. History will write about that race for generations to come. Three million votes were cast by hand. The recount was long, deliberate, and fair. Al Franken won by 312 votes.

He is a good man. He is someone who is extremely smart—he is Harvard educated. He had chosen as his life's work the entertainment world. He has been on many USO caravans and trips. He has a great love for the American soldier. I met with him in my office today, and I was so impressed that his first piece of legislation is going to be one involving veterans—unique and very important.

I want everyone within the sound of my voice to understand that we have 60 Senators on the Democratic side. That means that now more than ever we have to work together. We have no intention—I have no intention of running roughshod over the Republicans. I think we have proven that during this first 6 months. We want cooperation from the Republicans, we deserve cooperation from the Republicans as they do from us.

I started my remarks by talking about what a terrific legislative session it has been so far. We have accomplished, I repeat, as much as any other

legislative first 6 months, other than the first Roosevelt year. We have accomplished all that, and we needed Republican votes to get it done. We haven't gotten a lot of Republican votes—I wish we had gotten more—but we have gotten enough to get it done.

I hope in the next few weeks we all realize we have so much important work to do. I laid that out with my remarks here today. We have to get as many appropriations bills done as we can; we have to finish the Defense Department bill; we have to do health care reform; we have to do Judge Sotomayor. We have a huge schedule. As I have said and we all know—everyone has been alerted, this is no message the people have not heard—this period is going to be a long hard slog.

We have lots to do. We are going to be working in the evenings, Mondays and Fridays—weekends, if necessary, to get all our work done.

I say to my Republican colleagues I, of course, am very thankful for Al Franken. It is terrific that Minnesota now has two Senators. For over 8 months, they have gone with just one. But I repeat, this is not the time for people to be arrogant or attempt to throw their weight around. Things have not changed. We still need to work together. That is what the American people want and that is what the message is to my Republican colleagues.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. 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. KYL. 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.

SOTOMAYOR NOMINATION

Mr. KYL. Mr. President, we have heard some debate recently centered on whether it is appropriate for judges to consider foreign law and public attitudes when interpreting our U.S. Constitution and laws.

In our constitutional system, the American people, through their elected representatives, make the laws by which we are governed. As James Madison said in *Federalist 49*: