

that. They still have not come up with ways to pay for this grandiose takeover of the American health care system.

Americans are losing health care coverage every day. And it gets back to the issue of affordability, not quality. But the Democrats cannot produce legislation that responsibly makes coverage available to all Americans without trillions of dollars in new spending.

This weekend, after a 4-week delay, we finally received new provisions in their new government-run health care plans. Here is what we know about the legislation before us:

The Congressional Budget Office says the preliminary cost estimate for the new language they reviewed was nearly \$900 billion in new spending. The other side says this is a cost reduction from an earlier version of the bill. Do not be fooled by the smoke and mirrors. After an inexplicable 4-year phase-in that delays several provisions in the Democratic bill in an effort to hide costs through accounting techniques, the bill will actually spend \$1.5 trillion when it is fully implemented. And that is not counting the hundreds of billions of dollars in new Medicaid spending promised by that legislation.

CBO also tells us the HELP Committee bill still leaves over 30 million Americans without coverage. Mr. President, for all the spending being proposed, don't you think we should be covering more than 40 percent of the uninsured? When the final numbers come in, don't be surprised if the cost of this "rush" proposal is at or above \$2 trillion. What is worse, the sponsors cannot tell us how we will pay for such a massive price tag.

My colleagues and I plan to continue talking to the American public. I suggest the other side in the Senate talk to all Americans about what they need rather than making these decisions for them.

Again, Mr. President, we cannot risk running through a legislative proposal in the next 4 to 5 weeks and be sure that we are not making serious and fundamental mistakes. And the serious and fundamental mistake is the approach to this legislation, which is, the quality of health care in America can and must be preserved; it is the cost that needs to be brought under control. We can bring those costs under control by innovative techniques, by competition, by allowing Americans to go all across America to get the health insurance of their choice—the same way we have been able to reduce costs in other sectors of our economy, as technology has improved the quality of our lives.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am glad I was here to listen to the thoughtful comments of the Senator from Arizona. His leadership on the HELP Committee in trying to help make certain we help Americans have access to health care they can afford and that we do that in a way that

leaves them with a government they can afford and with choices so they do not have government in between themselves and their doctors has been very important. I thank him for his leadership.

#### TAXPAYER STOCK OWNERSHIP

Mr. ALEXANDER. Mr. President, the Senator talked about spending and debt. During my week in Tennessee last week, if I heard about anything, it was about too much debt. People are genuinely worried about the amount of new debt and spending in Washington. But if I heard anything else last week, it was about too many Washington takeovers. Senator MCCAIN mentioned some of them. He mentioned banking. He talked about, perhaps, student loans. He mentioned the health care industry. And he mentioned the automobile industry, which is what I would like to talk about for a few minutes this morning.

Yesterday was good news for General Motors. The judge in the bankruptcy case apparently approved a plan that by the end of the week should free General Motors from bankruptcy, and we could have a new GM, for which I wish great success because General Motors has made great contributions to our State of Tennessee over the last 25 years. Its Saturn plant has helped to attract hundreds of suppliers and has produced a good car, although they never made any money for one reason or another. But they made a great contribution to our State. So the good news is General Motors is going to get out of bankruptcy. The bad news is that the U.S. Government still owns 61 percent of General Motors, as well as about 8 percent of Chrysler. And it was paid for with real dollars.

Mr. President, \$50 billion or so in taxpayer dollars went to buy 61 percent of General Motors. Well, I have a solution which I would like to discuss, offered by the Senator from Utah, Mr. BENNETT; the Senator from Arizona, Mr. KYL; the Senator from Kentucky, Mr. MCCONNELL, other Senators, and myself. Our legislation would direct the Department of the Treasury, within 1 year after General Motors comes out of bankruptcy, to distribute all of the government stock in General Motors and in Chrysler to the 120 million Americans who pay taxes on April 15—in other words, a stock dividend. We want to give the stock to the people who paid for it. The idea is pretty simple: I paid for it, I ought to own it. Not only would that stop the incestuous political meddling that seems to go on here in Washington with General Motors—Washington cannot seem to keep its hands off the car company—it would also create an investor fan base of 120 million Americans who might be interested in the success of General Motors or be a little more interested than they are today.

Think of the Green Bay Packers. The fans own the team, and the fans are

even a little bit more interested in who the quarterback might be than they might otherwise be. Well, if 120 million Americans owned a little bit of General Motors, the New GM, they might be a little more interested in the next Chevy and it might help General Motors succeed.

I can suggest one thing that will make sure the company does not succeed, and that is to keep the ownership of General Motors in Washington, DC, with meddling politics interfering with the executives and the workers who are designing and building and selling cars—or who, I might say, ought to be designing, building, and selling cars.

Madam President, about how much time do I have remaining?

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator has 6 minutes.

Mr. ALEXANDER. Thank you, Madam President.

When I first suggested that what we ought to do is just give the stock to taxpayers, I think some of my colleagues thought I might be being facetious. But this is a very normal corporate event. It is called a stock distribution or a corporate spinoff. In 1969, Procter & Gamble did a spinoff with Clorox, its subsidiary. Procter & Gamble decided its Clorox subsidiary was not a part of the core business of Procter & Gamble anymore, so it simply gave shares of Clorox to people who owned the major company, Procter & Gamble. Time Warner did it with Time Warner Cable in March of 2009. PepsiCo did it with its restaurant business in 1997 by spinning off KFC, Pizza Hut, and Taco Bell.

If you stop and think about it, it is the simplest way to solve the problem. The President has said he does not want to micromanage General Motors and that he plans to sell it. But the President himself has already fired the president of General Motors, put in the board, and called the mayor of Detroit and said he believes the headquarters ought to be in Detroit instead of Warren, MI. Next, you have the chairman of the House Financial Services Committee calling up General Motors saying: Don't close a warehouse in my district. Senators from Tennessee and Michigan and other States are saying: Please put a plant in our states. We have at least 60 Congressional committees and subcommittees that could have the General Motors and Chrysler executives drive their congressionally approved hybrid cars to Washington to testify all day when they ought to be home trying to figure out how to make a car that would sell better than a Toyota or a Nissan or a Honda or some other company.

So let's get the stock out of Washington and into the hands of the taxpayers.

Madam President, I have twice presented a car czar award to try to put a spotlight on the political meddling in Washington, DC. Once I gave it to BARNEY FRANK, the chairman of the House

Financial Services Committee, who called up the General Motors president and said: Don't close a warehouse in my district, and General Motors did not close the plant. Once I gave the award to myself and others, who met with GM people and said: Please put a plant in our district. Today I would like to present it to a real car czar.

In the June 1 Wall Street Journal, there is an article by Lieutenant General Pacepa, who was literally the car czar of Romania.

Madam President, I ask unanimous consent that following my remarks, this article about what Lieutenant General Pacepa learned as car czar be printed in the RECORD.

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

(See exhibit 1.)

Mr. ALEXANDER. Madam President, basically, he says:

The United States is far more powerful than Great Britain was then, and no American Attlee should be capable of destroying its solid economic and political base. I hope that the U.S. administration, Congress, and the American voters will take a closer look at history and prevent our automotive industry from following down the [road of the Romanian cars.]

He cites many examples. For example, how the President of Romania decreed that the Olcit parts were to be manufactured at 166 existing Romanian factories in parts of the country that corresponded to the voting districts. I can see that happening in the United States. We already have Congressmen saying: Don't buy a battery in South Korea; buy one made in my congressional district. General Motors might be buying a battery from South Korea because it would make the Chevy Volt a success.

In the New York Times in 1989, there was an article talking about Soviet cars called the Lada, which were the brunt of many jokes, and the difficulty the Soviet Union had coming out of perestroika and glasnost.

There were jokes such as: What do you call a Lada with twin tailpipes? A wheelbarrow.

Why do Ladass have heated rear windows? So you can keep your hands warm when you are pushing them in the snow.

We politicians don't know anything about making cars. We should not pretend we do. The American people know that. They don't like the fact that the federal government has spent more than \$50 billion bailing out the car companies, but the American people like it worse that we in Congress are sitting on 60 committees and subcommittees acting as if we are going to help the auto companies succeed. The single most important thing we can do to celebrate General Motors coming out of bankruptcy this week is to pass legislation we have offered, which would give all of the stock the government has in General Motors and Chrysler, within 1 year, to the 120 million Americans who pay taxes on April 15.

The rationale is very simple: They paid for it; they should own it. That

would begin to stop this trend we are seeing every day and every month in Washington of too many Washington takeovers and move us back in the direction we ought to go to rebuild a great car company and get jobs flowing in this country again.

I thank the Chair and yield the floor.

#### EXHIBIT 1

#### WHAT I LEARNED AS A CAR CZAR

(By Ion Mihai Pacepa)

They say history repeats itself. If you are like me and have lived two lives, you have a good chance of seeing the re-enactment with your own eyes. The current takeover of General Motors by the U.S. government, and United Auto Workers makes me think back to Romania's catastrophic mismanagement of the car factories it built jointly with the French companies Renault and Citroen. I was Romania's car czar.

When the Romanian dictator Nicolae Ceausescu, decided in the mid-1960s that he wanted to have a car industry, he chose me to start the project rolling. In the land of the blind, the one-eyed man is king. I knew nothing about manufacturing cars, but neither did anyone else among Ceausescu's top men. However, my father had spent most of his life running the service department of the General Motors affiliate in Bucharest.

My job at the time was as head of the Romanian industrial espionage program. Ceausescu tasked me to mediate the purchase of a minimum, basic license for a small car from a major Western manufacturer, and then to steal everything else needed to produce the car.

Three Western companies competed for the honor. Ceausescu decided on Renault, because it was owned by the French government (all Soviet bloc rulers distrusted private companies). We ended up with a license for an antiquated and about-to-be-discontinued Renault-12 car, because it was the cheapest. "Good enough for the idiots," Ceausescu decided, showing what he thought of the Romanian people. He baptized the car Dacia, to commemorate Romania's 2,000-year history, going back to Dacia Felix, as the ancient Romans called that part of the world. In that government-run economy, symbolism was the most important consideration, especially when it came to things in short supply (such as food).

"Too luxurious for the idiots," Ceausescu decreed when he saw the first Dacia car made in Romania. Immediately, the radio, right side mirror and backseat heating were dropped. Other "unnecessary luxuries" were soon eliminated by the bureaucrats and their workers' union that were running the factory. The car that finally hit the market was a stripped-down version of the old, stripped-down Renault 12. "Perfect for the idiots," Ceausescu approved. Indeed, the Romanian people, had never before had any car, came to cherish the Dacia.

For the Western market, however, the Dacia was a nightmare. To the best of my knowledge, no Dacia car was ever sold in the U.S.

Ceausescu, undaunted, was determined to see Romanian cars running around in every country in the world. He tasked me to buy another Western license, this time to produce a car tailored for export. Olcit was the name of the new car—an amalgam made from the words Oltenia, Ceausescu's native province, and the French car maker Citroen, which owned 49% of the shares. Olcit was projected to produce between 90,000 and 150,000 compact cars designed by Citroen.

Ceausescu micromanaged Olcit, but he didn't even know how to drive a car, much less run a car industry. To save the foreign

currency he coveted, he decreed that the components for the Olcit were to be manufactured at 166 existing Romanian factories. Coordinating 166 plants to have them deliver all the parts on time would be a monumental job even for an experienced car producer. It proved impossible for the Romanian bureaucracy, which pretended to work and was paid accordingly. The Olcit factory could produce only 1% to 1.5% of its intended capacity owing to the lack of the parts that those 166 companies were supposed to furnish simultaneously. The Olcit project lost billions.

Ceausescu was an extreme case, but automobile manufacturing and government were never a good mix in any socialist/communist country. In the late 1950s; when I headed Romania's foreign intelligence station in West Germany, I worked closely with the foreign branch of the East German Stasi. Its chief, Markus Wolf, rewarded me with a Trabant car—the pride of East Germany—when I left to return to Romania.

That ugly little car became famous in 1989 when thousands of East Germans used it to cross to the West. The Trabant originally derived from a well regarded West German car (the DKW) made by Audi, which today produces some of the most prestigious cars in the world. In the hands of the East German government, the unfortunate DKW became a farce of a car. The bureaucrats and union that ran the Trabant factory made the car smaller and boxier, to give it a more proletarian look. To reduce production costs, they cut down on the size of the original, already small DKW engine, and they replaced the metal body with one made of plastic-covered cardboard. What rolled off the assembly line was a kind of horseless carriage that roared like a lawn mower and polluted the air worse than a whole city block full of big Western cars.

After German reunification, the plucky little "Trabi" that East Germans used to wait 10 years to buy became an embarrassment, and its production was stopped. Germany's junkyards are now piled high with Trabants, which cannot be recycled because burning their plastic-covered cardboard bodies would release poisonous dioxins. German scientists are now trying to develop a bacterium to devour the cardboard-and-plastic body.

Automobile manufacturing and government do not mix in capitalist countries either. In the spring of 1978 Ceausescu appointed me chief of his Presidential House, a new position supposed to be similar to that of the White House chief of staff. To go with it he gave me a big Jaguar car. That Jaguar, which at the time had been produced in a government-run British factory, was so bad that it spent more time in the garage being repaired than it did on the road.

"Apart from some Russian factories in Gorky, Jaguars were the worst," Ford executive Bill Hayden stated when Ford bought the nationalized British car maker in 1988. How did the famous Jaguar, one of the most prestigious cars in the world, become a joke?

In 1945, the British voters, tired of four years of war, kicked out Winston Churchill and elected a leftist parliament led by Labour's Clement Attlee. Attlee nationalized the automobile, trucking and coal industries, as well as communication facilities, civil aviation, electricity and steel. Britain was already saddled by crushing war debts. Now it was sapped of economic vigor. The old empire quickly passed into history. It would take decades until Margaret Thatcher's privatization reforms restored Britain's place among the world's top-tier economies.

The United States is far more powerful than Great Britain was then, and no American Attlee should be capable of destroying its solid economic and political base. I hope

that the U.S. administration, Congress and the American voters will take a closer look at history and prevent our automotive industry from following down the Dacia, Olteit or Jaguar path.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, how much time is left?

The PRESIDING OFFICER. There is 12 minutes remaining.

#### SOTOMAYOR NOMINATION

Mr. SESSIONS. Madam President, I express my appreciation to the Senator from Tennessee for his insightful comments. Indeed, it is a tangled web we create when we first start to regulate. It is a tangled web, too, when we start owning automobile companies which we know nothing about. Madam President, we are looking forward to next week and working as hard as we can to ensure that we have a very fine confirmation hearing in the Judiciary Committee for the judge nominated to be a Justice of the Supreme Court by President Obama, Judge Sotomayor. I will share a few thoughts about that and some matters that I think are important for my colleagues to think about as they study this issue and work to do the right thing about it.

The President's nominee is, of course, his nominee, and it is our responsibility—and the only opportunity the American people have to know anything about this process is the hearing in which the nominee has to answer questions and respond. Senators will make comments and ask questions.

When we elevate one of our citizens to a Federal judgeship, we give them an awesome responsibility, and particularly so when elevated to the Supreme Court. They are the final word on our Constitution, how the Constitution and our laws are to be interpreted. Some judges, I have to say, have not been faithful in their responsibilities. They have allowed personal views and values to impact them, in my view. We ask them as judges to take on a different role than they have in private practice. We ask them to shed their personal beliefs, their personal bias and, yes, their personal experiences. We ask them to take an oath to impartial justice.

Our wonderful judicial system—the greatest the world has ever seen—rests upon this first principle. It is an adversarial system that is designed to produce, through cross-examination and other rules and procedures, truth—objective truth. The American legal system is founded on a belief in objective truth and its ascertainability. This is a key to justice.

But in this postmodern world, our law schools and some intellectuals tend to be of a view that words don't really have meaning; words are just matters some politically powerful group got passed one day, and they don't have concrete meanings and you don't have to try to ascertain what they meant.

And, indeed, a good theory of law is to allow the judge to update it, change it, or adopt how they would like it to be.

I suggest this is not a healthy trend in America. It impacts this Nation across the board in so many ways. But I think it is particularly pernicious, when it comes to the law, if that kind of relativistic mentality takes over.

This notion of blind justice, objectivity, and impartiality has been in our legal system from the beginning, and it should not be eroded. Every judge takes this oath. I think it sums up so well the ideals of the fabulous system we have. A judge takes this oath:

I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me under the Constitution and laws of the United States, so help me God.

Well, I guess the Court hasn't gotten around to striking their oath yet—at least that part that says “so help me God.” Those phrases have certainly been attacked around the country by Federal judges, in many instances. This oath—I have to say this—stands in contrast to the President's standard for judicial nominees.

I am concerned, based on her speeches and statements, that it may also be the judicial philosophy of Judge Sotomayor.

In 2005, then-Senator Obama explained that 5 percent of cases, he believes, are determined by “one's deepest values and core concerns . . . and the depth and breadth of one's empathy.” He means a judge's personal core concerns, values, and empathy.

Well, according to the President, in 5 percent of the cases where issues are close, that is acceptable. I think we must draw from his statement that it is acceptable for judges to not set aside their personal beliefs, not discard personal bias, not dispense with their personal experiences as they make rulings, as they decide cases, which is what judges do.

According to the President, in 5 percent of cases, Lady Justice should remove her blindfold, take a look at the litigants, and then reach out and place her thumb on the scales of justice on one side or the other. I think this is a dangerous departure from the most fundamental pillar of our judicial system—judicial impartiality. That is why judges are given lifetime appointments. They are supposed to be unbiased and impartial.

Whatever this new empathy standard is, it is not law. It is more akin to politics than law. Whenever a judge puts his or her thumb on the scale of justice in favor of one party or another, the judge necessarily disfavors the other party. For every litigant who benefits from this so-called empathy, there will be another litigant who loses not because of the law or the facts, but because the judge did not empathize or identify with them.

What is empathy? Is this your personal feeling that you had a tough

childhood or some prejudice that you have—you are a Protestant or a Catholic or your ethnicity or your race or some bias you brought with you to life and to the court? Is that what empathy is? Well, it has no objective meaning, and that is why it is not a legal standard. The oath of “impartiality” to “equal justice to the rich and the poor alike” is violated when such things infect the decisionmaking process.

With this as his stated standard, the President nominated Judge Sonia Sotomayor for the Supreme Court of the United States. Thus far our review of her record suggests that she may well embrace the President's notion of empathy, and I will share a few thoughts on that.

On a number of occasions over the years, Judge Sotomayor delivered a speech entitled “Women in the Judiciary.” In it she emphasizes that she accepts the proposition that a judge's personal experiences affect judicial outcomes:

In short, I accept the proposition that a difference will be made by the presence of women on the bench and that my experiences will affect the facts that I choose to see as a judge.

In fact, in one speech, she rejected another woman judge's view that a woman and a man should reach the same decision in a case. She explicitly rejected that concept. She reaffirms:

I simply do not know exactly what that difference will be in my judging, but I accept there will be some [differences] based on my gender and the experiences it has imposed on me.

I think this would tend to be a rejection of even the aspiration, the ideal, of impartiality that is fundamental to our legal system and our freedoms.

In a later speech, Judge Sotomayor takes a giant step, expressing a desire to draw upon her experiences in her judging. She states:

Personal experiences affect the facts judges choose to see. My hope is that I will take the good from my experiences and extrapolate them further into areas with which I am unfamiliar. I simply do not know exactly what that difference will be in my judging. But I accept that there will be some based on my gender and my Latina heritage.

Well, are the days now gone when judges should see their taking office as a commitment to set aside their personal experiences, biases, and views when they put on the robe? Gone are the days when judges even aspire to be impartial.

In that same speech, which has been given a number of times, Judge Sotomayor goes a step further, saying:

I willingly accept that we who judge must not deny the differences resulting from experience and heritage, but attempt continuously to judge when those opinions, sympathies and prejudices are appropriate.

She says a judge should attempt continuously to judge when those opinions, sympathies, and prejudices are appropriate. That means that a judge's prejudices are appropriate to use in the decisionmaking process.

I find this to be an extraordinary judicial philosophy. Some might say you