

health care debate that is ensuing. He will do that, and then over the coming weeks and months, we will contemplate and think about what he said.

It is not insignificant that President Obama will be speaking to such a gathering. We will come together in a joint session because we share a joint future and a joint destiny. We are all in this together—Republicans, Democrats, and Independents, every American citizen and each of their representatives here, Members of Congress, Senators, and the President of the United States.

Senator TED KENNEDY said last December, just months ago:

We know the future will outlast all of us, but I believe that all of us will live on in the future we make.

This is a historic moment. This is our time to shape our future. We stand closer to real health insurance reform than ever before. We are closer than ever to getting this right. We will not give up. We will not bet on failure. We will not let fear obscure the facts. We will not let the priorities of the partisan overpower those of the people.

We have goal lines ahead of us. I say to the Presiding Officer, a member of the Finance Committee, we have to do everything we can to join together to do health care reform that is meaningful to this country. I think I speak for everyone in Nevada and I think I speak for everyone on this side of the aisle and I am confident my friend, the distinguished Republican leader, agrees with me.

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### SENATOR TED KENNEDY

Mr. McCONNELL. Mr. President, the Senate grieves the loss of one of its giants and one of our great friends. All of us were, of course, moved by the many tributes that have poured in since Senator KENNEDY's passing. We will make time later in the week for Senators, including myself, to deliver tributes of our own on the Senate floor.

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#### HEALTH CARE REFORM

Mr. McCONNELL. Mr. President, I previously had an opportunity to welcome my friend, the majority leader, back and welcome all our other colleagues from an active month in August. I know we always enjoy spending this time with our constituents and hearing their particular concerns. This year, most of us got an earful, and I hope the experience has an effect on our work as we move forward.

Health care reform is clearly a critical issue for many Americans, and I think we have an obligation to show them we have been listening closely to their concerns.

At this point, there should be no doubt about where the American people stand: The status quo is not acceptable but neither are any of the proposals we have seen from the White House or the Democrats in Congress so far.

The White House has attempted to retool its message on health care many times. It should be clear by now that the problem is not the sales pitch. The problem is what they are selling.

Over the past several weeks, I have visited with a lot of doctors, nurses, seniors, hospital workers, small business men and women and a whole lot of other citizens across Kentucky and, for that matter, throughout the country. None of them would call our current health care system perfect. But all of them are worried about so-called reforms that would undermine the things they like about the American health care system.

The American people are asking us to start over. They want reforms, but they want the right reforms, not some grand scheme that increases the national debt, expands the Federal Government, raises taxes, cuts seniors' benefits, and forces Americans off the plans they currently have and like. They want reforms that work within the system we have.

We have a lot of work to do in the weeks ahead, but these past few weeks have given us all something valuable. They have given us real clarity about the direction Americans want us to take and, as importantly, the direction they do not want us to take. Now it is our turn to show them we have been listening and to act.

Mr. President, 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. ALEXANDER. 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.

Mr. ALEXANDER. Mr. President, I believe I have 15 minutes, and I would ask the Chair to let me know when 2 minutes remains.

The ACTING PRESIDENT pro tempore. The Chair will do so.

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#### LISTENING TO THE PRESIDENT

Mr. ALEXANDER. Mr. President, we have two speeches by the President of the United States today and tomorrow. The speech today is to the schoolchildren of America, and the one tomorrow night is to us—to a joint session of Congress and to the country.

For the last several days, there has been a small uproar about the President's speech to schoolchildren. In some ways, that is very understandable. The country is very wary right now of more Washington takeovers. We have seen takeovers of banks and in-

urance companies and car companies and student loans and even farm ponds and health care, and all of a sudden some people may have thought the President was intending to take over the classrooms of America as well. That was compounded by the fact that the early lesson plans—probably drawn up by someone either in the White House or the Department of Education—made the speech seem more about the President than about the children and inviting the children to help the President fulfill his goal of the way he wants to transform America.

Well, all that has been changed. The lesson plan has been altered. The President has released a copy of his speech. I read it this morning in Tennessee on my way coming up. It is a good speech. It is about the importance of studying and education. It is about how the President grew up, which is an inspiring story, as is the case with almost all of our Presidents.

So I am glad the President has spoken to the schoolchildren of this country. Of course, the President of the United States ought to be able to speak to the schoolchildren of America. President Reagan did it. Not long after he was elected, he talked about how our country was founded. When I was Education Secretary in 1991, the first President Bush did it. He talked primarily about drugs, with a warning about the dangers of drug use. Presidents should speak to our students, but, of course, parents and teachers should decide whether the children hear the speech and in what context they hear it.

Tomorrow night, when the President addresses the country, no one has to listen to him, except those of us, perhaps, who volunteered to serve in the Congress. We will be here. Millions will listen out of respect to the office, but some could turn off their televisions, some could just read about it, some could listen to the commentators talk about it, and some could watch it on the Web. Children have a different situation. They are captive in their classrooms and they are inexperienced, so we rely on parents and teachers to use their good judgment to decide whether any speech is appropriate for children to hear and in what context.

If I were a teacher, I would jump at the chance to take advantage of this speech. I believe I would put up a picture of Reagan and one of FDR and one of Abraham Lincoln, and I would talk about the Presidency and I would talk about how he is the agenda setter and how the President's election—this President and other Presidents—represents the unique American characteristic that anything is possible for any American of any background. I would point out that there is a Congress as well and the Congress often disagrees with the President. And then I would put up a picture of the leader of North Korea, and I would say: There is the dear leader of North Korea. If you criticize him, you go to jail. If you

criticize the President of the United States, you have a constitutional right to do that.

I believe we need more teaching of U.S. history and civics in our classrooms so our children can grow up to learn what it means to be an American. The lowest scores high school seniors have in America are not in math, they are not in science, they are in U.S. history. So we ought to take advantage of opportunities for children to learn about history and about civics, but parents and teachers ought to be in charge of it. They should decide in what context it is done, and I hope a great many have taken advantage of that and will take advantage of that.

There is a second speech, tomorrow night, which the country is looking forward to, and that is about health care. Here are my hopes for that speech.

First, respectfully, I would say to the President, I hope he says: My fellow Americans, let's start over. It is obvious we need health care reform, but it is also obvious that most Americans, or at least a majority, aren't comfortable with the direction in which we are going. So since this affects 17 or 18 percent of our economy, since it affects the 250 million Americans who have health insurance, let's start over. This has gone from being an issue to being something personal, or as we say in Tennessee, they have gone from preaching to meddling. That is why at the town meetings, which would normally attract 30 people, we have had a thousand people show up, because their health is at issue and they want to know what is going on. So it is a very healthy thing for people to show up and ask questions, and I hope that the President has heard the American people and that we start over.

Next, I hope the President says: We will start with cost—the cost to you, Mr. and Miss American, the cost to your government. Health care costs too much for you to buy your policy, and it is about to bankrupt the government unless we do something about it. So that is where we will start.

Third, I hope the President will say: One of the lessons I think we have learned—not just during the last several months while I have been President—if I were President Obama—but in President Bush's time and before that is that we don't do comprehensive very well. We found that out in immigration. We had a bipartisan effort here on immigration. We tried hard to solve a problem only the Congress can solve, and we failed. By the time it came up for a vote, it just fell around our necks. We have tried it with health care. We have tried to bite off the whole thing at once, and I think it is more than we can chew. We have been trying it with economy-wide cap and trade for climate change, and it looks as if we are biting off more than we can chew there as well. That should be no big surprise. This is a huge country—300 million people—an economy that produces 25

percent of all the wealth in the world, so diverse that if we were to put ourselves all in one room, it would explode, which is why it is such a good reason we have such a big country.

So I hope the President will say we don't do comprehensive well. We have heard the American people, so let's see if we can agree on a few things. Let's go step by step in the right direction, which is one good way to get where you want to go—step by step to re-earn the trust of the American people, starting with health care.

I can think of some things on which I believe we have bipartisan agreement in the Senate which would make a difference: Small business health insurance—allow small businesses to pool their resources. It has been estimated that you could offer insurance to a million more workers at a lower cost. That is one thing. Make it possible for people not to lose their insurance. If they are able to buy insurance, make it possible for them to buy insurance if they have a preexisting health condition—we could probably do that. Allow people to buy insurance across State lines. The Presiding Officer and I were both Governors. We are jealously protective of States' responsibilities and rights. But maybe we need to allow insurance to be bought more often across State lines to make it available to more people and less expensive. Junk lawsuits against doctors—that increases the cost of health care from 1 percent to 10 percent, depending on whom you believe. But we could take that step. It is an important step in the right direction. As far as those who are uninsured, about 20 percent of those who are uninsured are already eligible for existing programs. We could see if we could find ways to help them sign up for programs that already exist. Step by step in the right direction will help us get where we need to go in health care. Step by step will re-earn the trust of the American people.

Fourth, I would hope the President would say: Let's do this in a bipartisan way. There is some talk of just ramming this through the Senate with a bare majority of votes. I hope that doesn't happen. It would be bad for the country and it would be bad for the majority party, if I may say so. The reason it would be bad for the country is it would be a bad bill.

The way our rules work, the Parliamentarian, who is a very wise individual, would end up writing the health care bill because he would have to make all these decisions about what was germane and about what fit in the bill. For example, he might have to say: Well, you can't put a provision about preexisting conditions in the bill under the Senate rules. All you can vote on is whether to raise taxes or cut Medicare. Now, that would be a very unappetizing vote, I would think, for many Members of the Senate, and it would be a very bad health care bill, which would cause me to think that such an unappetizing vote would be bad

medicine for those who insisted on ramming it through. But it would be bad medicine for another reason. It would be thumbing our nose at the people of America who have been trying to say to us over the last several weeks: Whoa. Slow down. This is my health care you are talking about. Let's make sure we do this right. Start over, and let's take it step by step.

Health care is not the only issue. Health care is the entry into a larger issue, which is too many takeovers, too much debt, too many czars, and the American people would like for us to settle down and deal with this issue. Some of the people have said over the last few weeks that the American people didn't know what they were talking about; that they thought there weren't any real issues out there. I am afraid that is wrong. When you have the Mayo Clinic and the Democratic Governors and the Congressional Budget Office telling you that you are headed in the wrong direction, maybe you are. When you read about a new trillion-dollar debt added to a debt that is already going to double in the next 4 or 5 years, maybe you are going in the wrong direction. When the New York Times editorial says the new program is going to be paid for about half by cuts in Medicare, that is a serious issue for the 40 million people on Medicare.

There are 177 million people with employer insurance, and they worry they might lose that employer insurance. People are worried that they might be dumped, if they are low-income, into a government program that already exists called Medicaid, which 40 percent of the doctors won't serve because they are underpaid, or they are worried they might be dumped into a new government program, if they are middle income, and they might not want to be dumped into a government program. There is worry, especially among older Americans, because someone might say: You are 70 years old and you can't have a hip replacement. And there are employers who in a recession aren't interested in paying more of an employer tax. And the Democratic Governors and the Republican Governors have said: Don't send us more costs for Medicaid or we won't be able to afford it here. We will have to raise taxes. And Federal taxes would go up.

Those are real issues. Those aren't made-up issues. Those are all part of the bills that are making their way through Congress, and that is why people are saying: Whoa.

Finally, I hope President Obama will say: I am the President. I am the agenda setter. I am going to take charge of this debate.

The President and his team are very smart. We admire them very much. But in some ways, it reminds me of a Harvard Law Review meeting, with everyone sitting around the room thinking of very bright ideas and nobody getting anything done. When you are dealing with a big and complex issue such as health care, the President needs to

clear the decks, set the agenda, tell us what to do, and sit down with the Democratic leader and the Republican leader and say: What can we do? And then the President, I respectfully suggest, needs to say—as President Eisenhower did half a century ago when he said, “I shall go to Korea”—that health care is the issue. I am the President, here is what I think we should do, and I am going to stay on this issue until it is done. Now, a Governor knows—and most Presidents know—that if they say that and do that and stick to it for as long as it takes, they can very usually wear everybody else out. The President may not get exactly what he wants. Of course, he probably won't. But there might be improvements to the bill. When the Democratic majority in Tennessee used to improve my proposals, I could either attack them or say: You have improved my proposals. I usually said: You have improved my proposals, gave them credit, and went on to the next issue.

So people all over America are alarmed, some are even scared about Washington takeovers, debt doubling and tripling, and I suggest the right course for us is for the President to say: Let's start over with health care. Let's go step by step to re-earn the trust of the American people. Careful steps in the right direction are a very good way to get where we want to go, and I hope he tells us exactly what those steps should be.

I made a statement at the 75th anniversary of the Great Smoky Mountains National Park last Wednesday. It is our most visited national park. Secretary Salazar was there. He did a beautiful job, only exceeded by Dolly Parton, who was there and who made all the rest of us completely irrelevant by her performance. But to have that great park for 75 years in the Eastern United States, where 9 million people visit—three times as many visiting our great western parks—is a great advantage for our country. I am grateful to the Secretary for coming, and I ask unanimous consent to have printed in the RECORD a copy of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF U.S. SENATOR LAMAR ALEXANDER AT THE 75TH ANNIVERSARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK  
NEWFOUND GAP, TENN.—U.S. Senator Lamar Alexander (R-Tenn.) delivered the following remarks here today at the 75th Anniversary of the Great Smoky Mountains National Park:

“Governors Bredesen and Perdue, Secretary Salazar, Dolly Parton, my colleagues in Congress, fellow friends of the Smokies, in 1934 a ranger wrote a memo identifying the wildlife he had found in this new park. There were 100 black bears. Today there are 1,600. There were 315 wild turkeys then. The other day I saw 21 outside my home two miles from the park boundary. 75 years ago there were 12 whitetail deer in Tennessee and six in North Carolina. Today they're everywhere. Then there were no peregrine falcons, no river otters, no elk in the Great Smokies, but they are all here today.

“25 years ago, as Governor, I spoke at the 50th anniversary. There was no law then controlling acid rain and no organization called ‘Friends of the Smokies.’ Today, acid rain laws are working and the ‘Friends’ have contributed \$28 million.

“So what should we hope for as we look to the 100th anniversary? I hope we have finished cleaning the air so that, instead of seeing smog, we can always see the blue haze about which the Cherokee sang; and that we will have done more to celebrate the way of life of families who lived here; that we will have become better students of the remarkable environmental diversity here—more different kinds of trees than in all of Europe, new species discovered every year; that we do a better job of creating picturesque entrances and encouraging conservation easements along the park boundaries to protect the wildlife and the magnificent views. And I hope there are more private contributions and federal dollars to protect and maintain one of the dozen most visited places in the world.

“India has its Taj Mahal, Italy has its art, England its history, but we have the Great American Outdoors. Ken Burns says our national Parks are ‘America's Best Idea.’ Well, then the Great Smokies must be the very best idea of all because so many more people come here.

“Just as remarkable, I believe, is how we who live here feel about the park. We feel like we own it because our families did. We love it because we grew up hiking here or adopted it as home. And we are proud we gave this park to the country for others to enjoy.

“The psalmist wrote, ‘I will lift up mine eyes unto the hills.’ There are 151 cemeteries in the Great Smokies, usually on a hilltop, closer to God. The headstones face east because, as mountaineers will tell you, ‘You don't want to have your back to Jesus when he comes again.’

“There was a reverential feeling among the thousands who came to Cades Cove on a beautiful Sunday afternoon in June to hear fiddles imitate bagpipes as the Knoxville Symphony played ‘Amazing Grace.’ At the 50th anniversary, I tried to explain that feeling this way: ‘These mountains . . . (Blount County) . . . my home . . . are where I enjoy being, where I swap people for nature and feel closer to God . . . when I am here, it helps get the rest of my life in a little better order.’

“That is why I celebrate the 75th anniversary of the Great Smoky Mountains National Park.”

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois is recognized.

#### JUSTICE SOTOMAYOR

Mr. DURBIN. Mr. President, 45 minutes ago exactly, history was made in America just across the street, not far from the steps of the Senate. If you go to those steps at this moment and look directly to the east, you will see the U.S. Supreme Court building. At 2 o'clock eastern time in that building the 111th Justice appointed to the U.S.

Supreme Court received her official investiture. It was a moment of great historic significance because the elevation of Sonia Sotomayor to serve on the U.S. Supreme Court marks the first time in our history that a person of Hispanic descent will serve on the highest Court of our land. In the course of our history, with 111 Supreme Court Justices, if my memory serves, only four have not been White males—two African Americans, two women, and now Justice Sotomayor.

The ceremony was very short. The President of the United States was there, the Vice President, a number of Members of Congress, and of course the other eight Supreme Court Justices and the retiring Justice Souter. There was a very stately, dignified, gracious presence as the Court was convened. After Eric Holder, the Attorney General, read the commission which authorizes the investiture of Justice Sotomayor, the oath was administered to her by the Chief Justice of the Supreme Court, John Roberts. The entire ceremony took 4 minutes. One of the Senators standing next to me, MEL MARTINEZ, who will retire from the Senate this week, said it would have taken longer if they had television cameras here. Those of us who serve in the Senate and served in the House know of what he speaks.

But the fact is, in that 4-minute period of time a page was turned in American history. We are offering an opportunity now for a person to serve on the Supreme Court—immensely qualified, a person with a great background in her life and her achievement to serve on the highest Court of the land.

Across America, in neighborhoods and towns and communities and schools, perhaps a child will look up and, when they learn of the appointment and ascension of Sonia Sotomayor to the Supreme Court, realize that the great promise of America continues, that this still is a land of opportunity, and that door to opportunity was opened a little wider just across the street at the U.S. Supreme Court about 45 minutes ago.

#### RESPECTING THE PRESIDENTIAL OFFICE

Mr. DURBIN. Mr. President, earlier today the President of the United States went back to school. He went to a local high school in the DC area to give a speech. It turned out that this speech became controversial.

I thought about that over the weekend because my wife and I went down to Mount Vernon, in Virginia, to the home of George Washington. It was a trip I promised my wife because the first time we went down there when I was a college student and drove down there in my little VW bug back in the 1960s, I got there to find out I did not have enough money for admission so we had to turn around and leave. I always told her: Loretta, we are going to