

Earth Day, Americans became deeply worried about air and water pollution and a population explosion that threatened to overrun the planet's resources.

Nuclear power was seen as a savior to these environmental dilemmas. It could produce large amounts of low-cost, reliable clean energy. Unlike oil, nuclear power did not need to be hauled in leaking tankers from countries that did not like us. Unlike coal, it did not spew tons of pollution out of smokestacks.

Then Three Mile Island and Chernobyl happened. The world pulled back, fearful of nuclear technology—even though no one was hurt at Three Mile Island. In fact, no one has ever died as a result of a nuclear accident at an American commercial nuclear reactor or on a U.S. navy ship powered by reactors. Chernobyl was the tragic result of a flawed technology never used in the United States. Still, the United States has not licensed a new reactor since 1978.

Now the rest of the world is returning to nuclear energy. France is 80 percent nuclear and has among the lowest per capita carbon emissions and cheapest electricity costs in Western Europe. Italy, Britain, Finland and Eastern Europe all are exploring new reactors. Russia, India, China and Japan are moving ahead. South Korea is selling reactors to the United Arab Emirates.

These countries realize that exploding populations demand large amounts of cheap, reliable electricity to help create jobs and lift people out of poverty. And nuclear power provides just that. The National Academy of Sciences in a 2009 report said that the cost of nuclear power is equal to or lower than natural gas, wind, solar, or coal with carbon capture. Reactors can operate for 80 years while wind and solar last about 25 years. And nuclear reactors operate 90 percent of the time while wind and solar are only available about a third of the time. Remember: wind and solar power can't be stored today in significant amounts. Most people do not want their lights and computers working only when the wind blows.

Nuclear plants occupy a fraction of the land required for wind or solar. For example, 20 percent of U.S. electricity comes from 104 nuclear reactors on about 100 square miles. Producing the same amount of power from wind would require covering an area the size of West Virginia with 183,000 50-story turbines as well as building 19,000 miles of new transmission lines through scenic areas and suburban backyards.

Nuclear fuel is available in the U.S. and is virtually unlimited. We do not have to drill for it. We do not have to mine it nearly as much as we do for coal. And thanks to technology, we can safely recycle "nuclear waste" and turn most of it into more fuel. After recycling, the French are able to store all of their final waste from producing 80 percent of their electricity for 30 years in one room in La Hague.

A more recently realized benefit of nuclear power is its ability to combat climate change. Nuclear power emits zero greenhouse gases. Today it produces 20 percent of our Nation's electricity but 70 percent of our carbon-free electricity. Wind and solar provide less than 2 percent of our electricity and 6 percent of our carbon-free electricity today.

The United States uses 25 percent of all the energy in the world. At a time when we need to produce large amounts of clean power at home at a cost that will not chase jobs overseas looking for cheap energy, Americans can't afford to ignore nuclear power.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE BUDGET

Mr. GREGG. Mr. President, I rise to continue the discussion which was raised by the Senator from Tennessee relative to the letter which has been signed by all the Republican members of the Appropriations Committee. This is a unique event, in my experience. I have had the great honor and privilege of serving on this committee now for 14 years, and I have never participated in this type of an undertaking, which is basically the Appropriations Committee Republicans, at least, stepping up and doing the responsible thing in the area of trying to control the fiscal policy of this country when the Budget Committee has left the field.

The Budget Committee didn't leave the field arbitrarily; it is just that the other side of the aisle decided they did not want to do a budget for some reason. Actually, I know the reason. The reason we are not doing a budget of the country as we are supposed to do is that the budget shows we are in dire straits. We are going to have a \$1.4 to \$1.6 trillion deficit this year. It looks as if next year we are going to have a deficit in the range of \$1.4 trillion. And for the next 10 years, every year under the Obama budget and under the spending plans of the Democratic leadership of this Congress, we are talking an average of \$1 trillion a year of deficits. That adds up to a doubling of the debt in 5 years and a tripling of the debt in 10 years. The American people understand that we cannot do this, we cannot continue that type of profligate spending, that type of out-of-control spending.

But, unfortunately, the other party, which now controls with significant majorities both the House and the Senate, is unwilling to step up and produce a budget which brings those numbers down, which makes us more respon-

sible in the area of spending and reduces the debt burden on our children. So the Republican members of the Appropriations Committee have said: Enough. We want to stop this out-of-control spending. We want to have a spending proposal in place that makes sense. And we picked a number that is very reasonable. It is essentially a freeze at last year's levels. It is a number which has been supported, interestingly enough, on this floor when it was offered as the Senator SESSIONS-Senator MCCASKILL amendment on four different occasions, by a majority of the Senate, with all of the Republican Members of the Senate voting for this type of essential freeze and with a number—I think between 16 and 18—of Democratic Senators voting for this. That is because there is a full understanding, at least on our side of the aisle and by some Members on the other side of the aisle who did vote for this, that we have to do something about controlling spending around here.

This letter essentially says that before we start marking up any bills in the Appropriations Committee, we have to have an understanding as to how much we are going to spend. Is that an unusual idea? Is it a terribly radical idea, that we should reach a number, an overall agreement on an overall number as to what we are going to spend around here before we start producing spending bills? No, it is not. It is exactly what the budget is supposed to do. But we do not have a budget for the reason I mentioned earlier—people do not want to talk about how big the deficit is around here because they are afraid the American people have already figured this out and will just get more outraged about it.

What we are doing and what we are suggesting in this letter and what we are saying in this letter is that we as Republican members of the Appropriations Committee expect there to be a budget for the Appropriations Committee even though there was not one passed here, with the top-line number being essentially the number in the Sessions-McCaskill, what amounts to a freeze proposal—freezing at 2010 levels, essentially—and that we will test every committee appropriations bill that comes forward on the basis of that number, and we hope our colleagues on the other side of the aisle, those on the Appropriations Committee and those who are not on the Appropriations Committee, will join us in this effort because it is a sincere effort and a reasonable effort since it was already voted on here with all of our side voting for it and a majority of the Senate voting for it. It is a reasonable number to set forward as the goal.

Yes, it does mean a significant reduction. We have to be forthright about this, and this is what we need to do, quite honestly. It does mean a significant reduction from what the President requested. It means a significant reduction from what the Senate Budget

Committee passed in committee, which budget was never brought to the floor of the Senate because they did not want to shine lights even on that budget. There is no question it is a reduction and a fairly significant reduction from those numbers. But it is a reasonable number and it is an important number because it says we are willing to be disciplined about our spending around here and that is what we are going to have to do. We are going to have to make these types of tough choices. This is an effort by the Republican members of the Appropriations Committee to make clear that we are willing to make those types of difficult choices.

Mr. ALEXANDER. Mr. President, I wonder if the Senator from New Hampshire would accept a question?

Mr. GREGG. Yes, I would accept a question from the Senator from Tennessee.

Mr. ALEXANDER. I ask the Senator from New Hampshire, who served as chairman of the Budget Committee of the Senate and is now its ranking member—and there is no one in the Senate more familiar with the numbers in the Senate budget—is it not true that this request by Republican members of the Senate Appropriations Committee, since it comes at a time when many Americans and most Senators believe the level of the Federal debt is at crisis levels and threatens the security of our country and since it comes at a time when the Congress has not produced a budget and it comes at a time when there have been substantial increases over the last year and a half in the 38 percent of the budget that is discretionary spending, would the Senator from New Hampshire, who has long served on the Budget and Appropriations Committees, not agree that the first job of Senate appropriators is not to decide where to spend the money but to decide how much money there is to spend, especially this year when there is no budget?

Mr. GREGG. I think the Senator from Tennessee is absolutely right. How can we run a country and a government of a country if we are not willing to decide on how much we are going to spend and then stick to it? The reason we are so out of control around here in spending is because every week for the last 8 to 10 weeks we have seen a new bill brought to the floor of the Senate which has added to the debt and the deficit of this country.

Interestingly enough, 8 weeks ago we passed a bill on this floor, with great fanfare from the other side of the aisle, called pay-go.

That bill said all the bills that came to the floor of the Senate were going to be subject to a test, which essentially said that before you spent any money, you paid for what you are spending.

Since we passed that bill, over \$200 billion—billion—has been proposed or passed by the Senate which violated the very rule we allegedly passed to try to discipline the Senate. So it is very

clear that unless you set out some hard parameters, unless you set out some very specific spending limits—and that is what the letter from the Appropriations Republicans does—you are not going to get any discipline around here. We will just bring bill after bill out of committee and we will spend money we do not have.

Where does it all go? Well, it all goes to our children as debt, and we have to borrow it from the Chinese or we have to borrow it from somebody else. Then we have to pay the interest on that. That interest does not do us any good as a nation.

In fact, under the President's own projections, his own budget, the interest on the Federal debt will exceed any other item of spending in the Federal budget on the discretionary side within 7 years. We will spend more on interest, because we are adding all of this deficit and debt, than we spend on national defense. What a waste of money that is. So unless we get some discipline around here on the spending side, this deficit is going to grow, the debt is going to grow.

I saw a most interesting figure. I think the Senator from Tennessee has seen it too. Since President Obama has been President, for every second since he has become President, \$56,000 has been added to the debt of the United States—\$56,000. That is the mean income of Americans today. So every second he has been in office he has wiped out the income of some American who is working, because that income is all going to have to be spent to pay off that debt.

Granted, not all that debt was his fault. But interestingly enough, as we go further into his administration, a large amount of it is his decisions and the decisions of this Congress, such as the \$200 billion in debt that we have been adding or about to add that violates pay-go.

This week we are going to take up another supplemental bill. Does the Senator know how much deficit and debt that bill will add if it is passed in the form the administration and the Democratic leadership have asked, just this week? I think it is somewhere in the vicinity of \$20 billion to \$30 billion of new deficit and debt.

Mr. ALEXANDER. Mr. President, I wonder if I could ask the Senator another question. The Senator was talking about the increasing debt. Am I correct that it took the first 43 Presidents of the United States and the Congresses they served with about 230 years to run up \$5.8 trillion in debt, but President Obama's 10-year proposal, through 2018, would add another \$11.8 trillion?

In other words, am I right that the first 43 Presidents piled up \$5.8 trillion in debt, and this President's 10-year budget, through 2018, would double that?

Mr. GREGG. Triple it. The Senator was off by 100 percent but close. In the next 5 years, the President will double

the national debt under the deficits which he is projecting under his budget. And in the next 10 years he will triple the national debt. As you say, if you take all of the Presidents from George Washington through George W. Bush, put all of the debt they have added on the books of the United States through all of those administrations, cumulatively, add every one together, President Obama will have added more debt than all of the prior Presidents added, the first 43 Presidents of this country, in the first 4½ years of his administration.

Mr. ALEXANDER. Mr. President, I have one other question, if I may, for the Senator from New Hampshire. I know we sometimes hear the American people say, or commentators say: Well, why don't those Senators work across party lines and get a result?

My question to the Senator from New Hampshire, who has years of experience on Appropriations and Budget, is, in the present circumstances where we have a debt crisis, and where we have no budget, no budget for next year, and we will not have, would he not agree that at the beginning of the process, taking a number that has been voted on by a majority of the Senate and has widespread bipartisan support, is a constructive bipartisan approach that ought to be able to gain the respect of Democratic appropriators and Democratic Senators, and that we could work together this year to essentially freeze discretionary spending as a first step toward reining in Federal spending?

In other words, sometimes we see amendments around here that are called message amendments, each side trying to score a point. Is this not a proposal that deserves respect as a serious attempt to restrain the debt and that should earn bipartisan support?

Mr. GREGG. I thank the Senator from Tennessee for his point. That is absolutely valid. This is a bipartisan proposal for all intents and purposes. It has been voted on. I think it got 57 votes once. I think that was the most it got; maybe it got 58. There are only 41 Republicans, so clearly it had a large number of Democratic votes from the other side of the aisle, because the number is reasonable.

"Freeze" is a reasonable number on the nondefense discretionary side, at a time when we are running deficits that are over \$1.4 trillion. You have got to start somewhere. You know, all great journeys begin with a step. So this is the place we should start, right here, by freezing nondefense discretionary spending. We, as Republican appropriators, have said we are willing to do it. I certainly think the Senator from Tennessee is absolutely right; this is an attempt to reach across the aisle and bring in a bipartisan coalition to accomplish this, using a number which has already received significant bipartisan support.

Mr. ALEXANDER. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

KAGAN NOMINATION

Mr. KAUFMAN. Mr. President, I rise in support of the nomination of Solicitor General Elena Kagan to be an Associate Justice on the U.S. Supreme Court.

Last month, the Judiciary Committee held 4 days of hearings on General Kagan's nomination, including 2 very full days of testimony from the nominee herself.

I came away from the hearings deeply impressed with General Kagan's intellect, thoughtfulness, demeanor, and integrity. These characteristics, already plainly evident in her lifetime of accomplishment, were on full display during her testimony.

Last year, when Justice Souter announced his retirement, and again when Justice Stevens announced his retirement this April, I suggested that the Court would benefit from a broader range of experience among its members.

My concern was not just the relative lack of women or racial or ethnic minorities on our Federal courts, though that deficit remains glaring.

I was noting the fact that the current Justices all share very similar professional backgrounds. Every one of them served as a Federal circuit court judge before being appointed to the Supreme Court.

Not one of them has ever run for political office, like Sandra Day O'Connor or Earl Warren or Hugo Black.

I am heartened by what this nominee would bring to the Court based on her experience working in and with all three branches of government, the skills she developed running a complex institution like Harvard Law School, and yes, the prospect of her being the fourth woman to serve on our Nation's highest court.

Some pundits, and some Senators, have suggested her lack of judicial experience is somehow a liability. I could not disagree more.

While prior judicial experience can be valuable, the Court should have a broader range of perspectives than can be gleaned from the appellate bench.

In the history of the U.S. Supreme Court, more than one-third of the Justices have had no prior judicial experience before being nominated. And a nominee's lack of judicial experience has certainly been no barrier to success.

When Woodrow Wilson nominated Louis Brandeis in 1916, many objected on the ground that he had never served on the bench.

Over his 23-year career, however, Justice Brandeis proved to be one of the Court's greatest members. His opinions exemplify judicial restraint and his approach still resonates in our judicial thinking more than 70 years after his retirement.

Felix Frankfurter, William Douglas, Robert Jackson, Byron White, Lewis Powell, Harlan Fiske Stone, Earl Warren and William Rehnquist all became Justices without having previously been judges. They certainly all had distinguished careers on the Supreme Court.

As Justice Frankfurter wrote about judicial experience in 1957:

One is entitled to say without qualification that the correlation between prior judicial experience and fitness for the functions of the Supreme Court is zero.

We have all now had the opportunity to review General Kagan's extensive record as a lawyer, a policy adviser, and administrator, and to listen to her thoughtful and candid answers to a wide range of probing questions.

Throughout her career, she has consistently demonstrated the all-too-rare combination of a first-rate intellect and an intensely pragmatic approach to identifying and solving problems.

Last summer, during then-Judge Sotomayor's confirmation hearing, and again during General Kagan's hearing, I focused on the current Court's handling of business cases.

I am convinced, by education, experience, and inclination, that the integrity of our capital markets, along with our democratic traditions, is what makes America great.

Today, however, while we have a real need for significant financial regulatory reform, we also face a Supreme Court too prone to disregard congressional policy choices.

My concern is that a Court resistant to Federal Government involvement in and regulation of markets could undermine those efforts. I am not suggesting that we face a return to "a New-Deal-era Court—a Court determined to strike down regulatory reform as beyond the authority of Congress.

But a Court predisposed against government regulation might chip away at the edges of reform, materially reducing its effectiveness.

That is why my questioning of Solicitor General Kagan focused on business cases and on her philosophy concerning deference to congressional judgment.

During the hearing, she emphasized the importance of "judicial deference to the legislative process." She also acknowledged Congress's "broad authority" under the commerce clause to regulate the financial markets.

Finally, she stated emphatically her views on results-oriented judging. I really liked what she said on this point, so I'm going to quote it in full:

I think results-oriented judging is pretty much the worst kind of judging there is. I mean the worst thing that you can say about a judge is that he or she is results-oriented. It suggests that a judge is kind of picking

sides irrespective of what the law requires, and that's the absolute antithesis of what a judge should be doing, that the judge should be trying to figure out as best she can what the law does require, and not going in and saying, "You know, I don't really care about the law, you know, this side should win." So to be a results-oriented judge is the worst kind of judge you can be.

Based on General Kagan's ability to communicate her thoughts and ideas during the committee hearings last month, I am confident that other Justices and, by extension, the entire Court, will benefit by the addition of her voice to their deliberations.

One of the aspirations of the American judicial system is that it render justice equally to ordinary citizens and to the most powerful.

We need Justices on the Supreme Court who not only understand that aspiration but also are committed to making it a reality. I believe Elena Kagan, through her truly impressive record of accomplishment, and through the entire confirmation process, has demonstrated that commitment.

In short, this nominee has all the qualities necessary to serve well all Americans, and the rule of law, on our Nation's highest court.

I urge my colleagues to confirm her without delay.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

APPOINTMENT OF DONALD BERWICK

Mr. WHITEHOUSE. Mr. President, I came to the Senate floor earlier today to speak about the nomination of Don Berwick to run the CMS and talked a little bit this morning about the area in which he specializes, which is how to lower the cost of the American health care system by improving the quality of care; that it is a win-win and to call it rationing is incredibly misleading and raises a legitimate question about whose side somebody is on who wants to attack this kind of reform of the health care system.

I went back to my office and found an article in the Washington Post today, which is entitled "Hospital infection deaths caused by ignorance and neglect, survey finds." So if I could just read a few pieces from it, then I will ask unanimous consent to have this article printed in the RECORD.

An estimated 80,000 patients per year develop catheter-related bloodstream infections, or CRBSIs. . . . About 30,000 patients die as a result, according to the Centers for Disease Control and Prevention, accounting for nearly a third of annual deaths from hospital-acquired infections in the United States.

So 80,000 people get hospital-acquired infections in their blood from the catheters that go into them when they are