the American people his opinions and his views? All we know is what we have read, what we have seen from his speeches, the things he has written. Likely, it is because if those things were heard by the American people this man may absolutely be unconfirmable.

If that is what the President wants, that is what the President got. Because right now I will tell you the President of the United States has his own health care rationing czar.

You say how can you imagine that sort of thing? Let's look at some of these quotes from Dr. Berwick.

> The decision is not whether or not we will ration care—the decision is whether we will ration with our eyes open.

This is not some long-ago quote. This is last year:

> The decision is not whether or not we will ration care—the decision is whether we will ration with our eyes open.

This is what he says about the British health care system. He says:

> I fell in love with the [national health system] . . . to an American observer, the [National Health Service] is such a seductress.

Who talks like that? He said:

> The [National Health Service] is not just a national treasure, it is a global treasure. As unabashed fans, we urge a dialogue on possible forms of stabilization to better provide NHS with the time, space, and constancy of purpose to realize its enormous promise.

I will tell you as a practicing physician that the rates of cancer survival in the United States are much higher than in Britain. It is not that our doctors are better, it is that people get care sooner—early detection, prevention, early treatment. Those are the keys to cancer survivability. So what we know is that it is not that the doctors in the United States are better than those in England, it is that the patients in the United States get care where they do not in England. But, then again, Dr. Berwick loves the British health care system. He actually says:

> I am romantic about the National Health Service; I love it.

That is what we have. We have a recess appointee who also went on to have some ideas about wealth in the United States. He said:

> Any health care funding plan that is just, equitable, civilized and humane must redistribute wealth from the richer among us to the poorer and less fortunate.

Here we have a recess appointee who will make decisions for hundreds and hundreds of billions of dollars, that impact the lives of the American people, without ever having a Senate debate, without ever having a Senate hearing, without us ever having one word of testimony because the President of the United States believes that he knows better than the people of this country.

Dr. Berwick coauthored a book. He talked about one of the primary functions of health regulation is to ''constrain decentralized individual decisionmaking.'' Let me say that again: ''Constrain decentralized individual decisionmaking.'' Individuals? Humans? People around the communities. People in our home States. He says we want to constrain local people making local decisions. And he says to weigh public welfare against the choices of private consumers. For a consumer, what is more important to them than their health?

This is not a one-party-only situation. Even MAX BAUCUS, Senate Finance chairman, issued a statement critical of this end-around decisionmaking by the President.

It is interesting how things change. When Barack Obama was a Member of the U.S. Senate, as he was not that long ago, the President at the time, George W. Bush, made a recess appointment. This is what President, then Senator Obama, had to say of John Bolton. He said, ''He's damaged goods.'' He said, ''He'll have less credibility.''

Don Berwick is damaged goods. He will have less credibility. I am not talking about that with a couple of Senators, I am talking about it from the standpoint of the American people. The American people know and understand that the President of the United States is trying to hide something. That is why there has not been an open hearing. The Republicans have been asking for an open hearing. The Republicans have been asking for a number of weeks for an open hearing. I have been asking that the President name somebody to this position since last year but, no, in the playbook of delay and obstruction, the administration has decided not to do that—don't name anybody until well after the bill is signed into law and then don't allow that person to come to the Senate for a confirmation hearing.

What are they trying to hide from the American people? That is where we are today. We are in a situation where the President of the United States has made an appointment, a recess appointment without hearings, without the American people knowing or being able to ask the questions. What exactly are you going to do here, Dr. Berwick, when you cut $500 billion from our seniors on Medicare? What is that impact going to be on their lives when you cut money from hospice, when you cut money from nursing homes, when you cut from physical therapy, when you cut from rehab, when you cut money from hospitals, when you cut money from physicians? We have more and more people becoming Medicare age every year. Why is the President of the United States unwilling to have that individual come to the Senate and explain to the American people how it is going to work? The people have a right to know.

That is why I am not surprised and was not surprised this past week in Wyoming—in Riverton, in Rock Springs, in Powell, as I traveled around the State—to have people coming up to me saying: What is going to happen to my Medicare, now that the President has made this recess appointment over the Fourth of July, when the Members of Congress are not in Washington but are at home, visiting with the folks in their districts?

What is this going to mean for my health care or, as many others say, what does this mean for my mom or my dad? Those are questions that are not going to be answered because the President of the United States has decided to make a recess appointment at a time the American people have the right to expect and deserve to know from a President who has campaigned and promised, promised the American people, transparency and openness and accountability, and now the American people realize they have received none of those things.

So, again, as a physician I come to the Senate floor. I spent all day Friday at a Wyoming Medical Center visiting with people in Casper. Senators around the country went home and talked to people, in fact, many back to where they worked. I went back to where I worked at the hospital, visited with doctors and nurses and patients as well. All are concerned, concerned about this health care law that they believe is going to raise the cost of their health care, lower the quality; concerned about a health care law that they believe is going to be bad for them as patients, bad for the taxpayer because the costs are going to go up; bad for the providers, the nurses and doctors who take care of them; bad for the American people.

That is why so many of them, still today, believe this health care bill should be repealed and replaced with things that put patients in charge, not insurance company bureaucracies, not Washington, DC bureaucrats; that would put patients in charge. That is what we need in this country. That is the kind of health care the American people need. That is what they are asking for. And when my colleague says: If you are against Dr. Berwick, then whose side are you on? I am on the side of the people I have taken care of all around the State of Wyoming for the last 25 years.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

KAGAN NOMINATION

Mr. DURBIN. Mr. President, the Senate is returning to Washington after the Fourth of July holiday recess. The

week before we left town, in the Senate Judiciary Committee, we held a hearing for President Obama's Supreme Court nominee, Elena Kagan. The hearing lasted 4 days. The nominee responded to 695 questions. I wish to commend, in particular, the chairman of that committee, Senator PATRICK LEAHY, and the ranking member, Senator JEFF SESSIONS of Alabama. It was a fair and respectful hearing.

Last year President Obama made history with his nomination of Sonia Sotomayor as the first Hispanic to serve on the Supreme Court. Elena Kagan is also an historic nominee. Last year she became our Nation's first female Solicitor General. That, of course, is the attorney representing the United States of America before the highest Court in our land, the Supreme Court.

If she is confirmed to serve on the Supreme Court, it would make the first time in our Nation's history that three women have served together on the highest court in the land. That is clearly a mark of social progress in this great Nation.

Elena Kagan, of course, will be replacing a legal legend, Justice John Paul Stevens. A lifetime in the law and the courage to speak his mind made Justice Stevens a national treasure. So what did we learn from this hearing on Elena Kagan? First, we learned she is a highly intelligent, very charming and very funny, at times, individual.

She demonstrated a thorough knowledge of the law, an ability to try and find common ground on difficult issues, and, as I mentioned, a very healthy sense of humor. These are qualities that served her well as Solicitor General of the United States, as the first woman to serve as Dean of the Harvard Law School, as a law school professor, and as a policy aide to former President William Clinton. They are valuable qualities that will serve her well on the Supreme Court.

Secondly, we learned that Elena Kagan has great respect for Congressional action and judicial precedent. In her opening statement she said:

> The Supreme Court is a wondrous institution. But the time I spent in the other branches of government remind me that it must also be a modest one, properly deferential to the decisions of the American people and their elected representatives.

In response to a question from Senator DIANNE FEINSTEIN of California, General Kagan said:

> The operating presumption of our legal system is that a judge respects precedent, and I think that that's an enormously important principle of the legal system.

These qualities, a respect for precedent and deference to Congress, are essential for a Supreme Court Justice to have but, unfortunately, they have been in short supply with our current Court. In case after case in recent years, the Supreme Court has overturned longstanding precedents and thumbed its nose at congressional decisions.

In many of these cases, the five conservative Justices on the Court have acted not as neutral umpires, as one described himself, but as designated hitters going to bat, unfortunately, for some of the special interests in America.

Let's take a couple of examples: The case of Citizens United versus the Federal Elections Commission, which was handed down by the Supreme Court earlier this year. In that case, a conservative 5–4 majority of the Court demanded to hear arguments on an issue that was not even raised by the parties in the case.

They reversed decades of Supreme Court decisions that preceded them. They ignored the will of Congress in passing the historic bipartisan McCain-Feingold campaign finance law, and they ruled that corporations and special interest groups could spend unlimited amounts of money to affect elections.

This decision by the Supreme Court, unfortunately, has the power to drown out the voices of average Americans in our elections. Justice Stevens, now retiring, whose vacancy we are seeking to fill, wrote these powerful words in the dissent:

> Essentially, five judges were unhappy with the limited nature of the case before us, so they changed the case to give themselves an opportunity to change the law.

Then there was the case of Lilly Ledbetter, who testified at the Kagan hearing about her experience working as a manager at the Goodyear tire plant in Gadsden, AL. Lilly Ledbetter worked there for 19 years but she did not know during that entire period of time she was being paid less than her male colleagues who did exactly the same job. It was not until she was close to retirement that somebody finally told her how much the men working alongside of her, doing exactly the same work, were being paid. So as a result of that knowledge, she decided to bring a case to ask for compensation, for this clear case of gender discrimination, where a woman was being paid less just because she was a woman.

The Supreme Court came down with an amazing decision in the Lilly Ledbetter case. Even though she had won her case before a jury, she went before the Supreme Court and this familiar five-Justice group of conservative Justices said she should have filed the case alleging discrimination in pay within 180 days after the initial act of discrimination; in other words, within 6 months after the first male colleague was paid more than she was paid, she should have filed a case for discrimination.

You would think the Supreme Court Justices would at least understand that in most American workplaces, a worker does not know what his coworkers are being paid. It is not published, certainly is not published when it comes to managers' salaries. It is rare that anybody comes to know that.

So Lilly Ledbetter, a victim of discrimination for years, did not know the man working right next to her, doing the same job, is being paid more. The Supreme Court said: Oh, that was a fatal flaw. The technical fact that she waited more than 6 months to file her discrimination case meant she was not entitled to recover.

By making that decision, the Supreme Court, which was guided by the principle of avoiding judicial activism and avoiding doing things on their own that violated precedent and congressional acts, decided to overturn judicial precedents and the express intent of Congress when it passed the Civil Rights Act of 1991.

We also heard at the Kagan hearing from Jack Gross. He was another victim of discrimination who helped put a human face on the conservative judicial activism on the current Supreme Court. Mr. Gross is not one of these wild-eyed liberals. He was a claims adjuster for an insurance company in southern Iowa for over 23 years. I know the company well. A pretty conservative lot runs that company.

When he and all of the other supervisors at his company over the age of 50 were demoted and replaced with younger workers, would that raise a question in your mind if you had been Mr. Gross, that perhaps your age had something to do with it? Like Ms. Ledbetter, Mr. Gross, who had been a loyal employee of this company for over 20 years, won a jury verdict, a jury verdict which said, yes, that company made a decision to discriminate against Jack Gross because of his age.

He ended up having that jury decision tossed out of Court at the Supreme Court right across the street. It is worth noting that very few discrimination victims win a jury verdict. Jack Gross did. Most victims have their cases dismissed or settled long before it reaches that point. But in the case of Jack Gross, the Supreme Court decided to invent a new legal standard that stacks the deck against victims of discrimination even more.

Here is what Justice Stevens wrote in the dissent to that case:

> The majority's inattention to prudential Court practices is matched by its utter disregard of our precedent and Congress' intent.

I think Elena Kagan's hearing demonstrates she will be a Justice who, like the Justice she will replace, John Paul Stevens, will give proper deference to Congress and respect to decisions of the Court.

There was a third lesson from the Kagan hearing. I found this surprising. It was opening day. Here were Members of the Senate serving on the Judiciary Committee who were stating what they hoped to see in a Supreme Court Justice. Many of them singled out a man whom I consider to be one of the real champions of justice and liberty who served on the Court. Some of my colleagues across the aisle seemed to have forgotten in their opening statements the amazing legacy of Supreme Court Justice Thurgood Marshall, a Justice for whom Elena Kagan had clerked.

They truly went to a level that was close to guilt by association in attacking Elena Kagan because she had worked for Justice Marshall.

One of my Republican colleagues called Justice Marshall ''the epitome of a results-oriented judge'' and ''not what I would consider to be mainstream'' and someone who believed that ''the Supreme Court exists to advance the agenda of certain classes of litigants.''

Another Republican Senator called Thurgood Marshall a ''judicial activist.'' I thought those characterizations were beyond the pale and said so in my opening statement. Thurgood Marshall is an American hero. The airport in Baltimore is named after him and many schools. He dedicated his life to breaking down barriers of racial discrimination that had haunted our country for centuries. Thurgood Marshall was the attorney who stood right across the street before the Supreme Court and argued the case of Brown v. Board of Education. That case, 56 years ago, did more to change America and move us toward equality than any modern decision by the Court.

Thurgood Marshall won more victories in the Supreme Court than nearly anyone else in the history of the United States. As an appeals court judge, Thurgood Marshall wrote 112 opinions, none of which were overturned by a higher court. Some may dismiss Justice Marshall's pioneering work on civil rights as an example of empathy, a word which, unfortunately, has been given a negative connotation by some in this Chamber. They may suggest that somehow, as a Black man who had been a victim of discrimination himself, he had more passion when it came to certain issues. I say to that, thank goodness.

I don't consider Brown v. Board of Education to be results-oriented judging. I consider it a courageous judgment that embraced our common humanity and moved America dramatically forward. We should be grateful as a nation for the tenacity, integrity, and values of Thurgood Marshall.

In the words of John Payne, director-general of the NAACP Legal Defense and Educational Fund:

> Thurgood Marshall helped America understand what democracy really means.

Some of Elena Kagan's critics suggest she will have the same views and philosophy as Justice Marshall because she served as his law clerk. In my personal opinion, we should be so fortunate. General Kagan made it clear at her hearing that she was determined to be her own person, not to assume the persona of someone for whom she has worked in the past. Moreover, it is wrong to suggest that a Supreme Court law clerk is going to have the same views as the Justice for whom he or she clerked.

Exhibit A is Douglas Ginsburg. He sits on the D.C. Circuit and is one of the most conservative judges in America. Judge Ginsburg was nominated to the Supreme Court by President Reagan in 1987, after Robert Bork's nomination was defeated. Judge Ginsburg later withdrew his nomination, but I think it is safe to say he does not share the judicial philosophy of Justice Thurgood Marshall whom he also served as a law clerk.

A fourth lesson from the Kagan hearing is, if you don't have a good case against the nominee on the merits, then pick an emotional issue and appeal on that ground. That is how some of my colleagues on the other side of the aisle handled the issue of military recruitment at the Harvard Law School when General Kagan was the law school dean. One of my Republican colleagues accused General Kagan of having ''a hostility to the military'' and alleged she broke the law in briefly denying military access to the career services office. These accusations are not correct. Dean Kagan bent over backwards to show respect and appreciation for the U.S. military and to comply with the 1996 Solomon amendment that required the Defense Department to deny Federal funding to universities that prohibited military recruitment on campus. Yes, Dean Kagan was a vocal opponent of the don't ask-don't tell policy. Most Members of Congress and a sizable majority of Americans no longer support that discriminatory policy. But that does not make Elena Kagan antimilitary.

Don't take my word for it. Listen to the words of Robert Merrill, the only Active-Duty servicemember to receive a law degree from Harvard while Elena Kagan was dean. Here is what he wrote in the Washington Post:

> If Elena Kagan is ''anti-military,'' she certainly didn't show it. She treated the veterans at Harvard like VIPs, and she was a fervent advocate of our veterans association. She was decidedly against ''don't ask, don't tell,'' but that never affected her treatment of those who had served. . . . If anything, Kagan was an activist in ensuring that military recruiters had viable access to students and facilities despite the official ban. A Boston-area recruiter later told me that the biggest hurdle he faced recruiting at Harvard Law was trying to answer the students' strangely intellectual questions.

During her 6 years as dean at Harvard, the military had full access to career services offices except for one semester after an appellate court struck down the Solomon amendment as unconstitutional. After that court decision, Dean Kagan decided to reinstate a system that had been in place nearly a quarter of a century prior to her becoming dean and that had been deemed to be in compliance with the law. Under that system, military recruiters were given access to students and the campus through the Harvard student veterans association.

During the year of Dean Kagan's deanship, when access to the Office of Career Services was briefly denied, more graduating students at Harvard joined the military than any year of the past decade.

When my Republican colleagues on the Judiciary Committee realized they weren't getting much traction at the Kagan hearing with their arguments about Harvard military recruiting, they brought out another theme. They said General Kagan is just too political to be a Supreme Court Justice because she spent 4 years working in the Clinton White House.

Considering that Elena Kagan's legal career spans nearly 25 years, this 4-year argument seems a little bit hollow and stretched. In any event, all three of President Bush's Supreme Court nominees—John Roberts, Samuel Alito, and Harriet Miers—had worked in political positions in the White House and Justice Department under Republican Presidents. I can't recall a single time a Republican Senator said that President Bush's nominees were too political.

Chief Justice Roberts worked in the Reagan White House for 4 years and as a political appointee in the Justice Department for 5 years. Justice Alito spent 9 years working in the Reagan and George H.W. Bush Justice Departments. Harriet Miers held a series of positions under President George W. Bush—for 5 years in the Bush White House and 6 years when the President had been Governor of Texas. There was not a single word raised on the Republican side of the aisle about how political those Republican nominees were. Now they are trying to raise an argument against Elena Kagan that they didn't see in previous nominees.

I hope my colleagues will heed the advice of a man they extol when we discuss judicial nominations: President Bush's former judicial nominee, Miguel Estrada. Mr. Estrada wrote a letter on behalf of Elena Kagan, one of his fellow classmates at Harvard Law School. This is what he said:

> I write in support of Elena Kagan's confirmation as an Associate Justice of the Supreme Court of the United States. . . . Elena possesses a formidable intellect, an exemplary temperament and a rare ability to disagree without being disagreeable. She is calm under fire and mature and deliberate in her judgments. . . . Elena Kagan is an impeccably qualified nominee. Like Louis Brandeis, Felix Frankfurter, Robert Jackson, Byron White, Lewis Powell and William Rehnquist—none of whom arrived at the Court with prior judicial service—she could become one of our great Justices.

That was Miguel Estrada, a person whose virtues have been praised at great length by Republicans in the Senate. We also received a joint letter of support for Elena Kagan from the last eight Solicitor Generals of the United States, including such conservative icons as Kenneth Starr, Ted Olson, and Charles Fried.

In our service to the Senate, we are called on to cast hundreds if not thousands of votes. Our late departed colleague, Robert C. Byrd, cast 18,000 votes. As I look back on my career of service in the House and the Senate, I can remember a few votes. I certainly remember every single vote I cast when I was asked to decide whether America should go to war. Those are the votes

that keep one up at night wondering what is the right thing to do for the Nation; what is the right thing to do for one's own conscience. We know at the end of the day when we cast that vote, if we go forward people will die. We hope the enemy will be the victims, but we know even under the best of circumstances, innocent Americans will also die. Those votes we think over for a long time.

In the Senate, next to votes on war, votes on Supreme Court Justices reach that same level of gravity and importance. We realize that man or woman we choose to be on the Court is likely to be there after our Senate careers and after we are long forgotten; that those nine people sitting across the street, when five come together, can make decisions that can impact America for generations to come. That is why it is so critically important for us to take a careful review and to take a deliberate approach when it comes to the selection of a Supreme Court Justice.

When the time comes—and I hope it comes soon, maybe within the next week or two—I will be proud to cast a vote in favor of the nomination of Elena Kagan to the Supreme Court. I sincerely hope she receives the bipartisan support she richly deserves.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT CALENDAR—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, as if in executive session, I ask unanimous consent that at 5 p.m. today, the Senate proceed to executive session to consider Calendar No. 815, the nomination of Sharon Johnson Coleman to be a U.S. district judge for the Northern District of Illinois; that debate on the nomination extend until 5:30 p.m., with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 5:30 p.m. the Senate proceed to vote on the confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table, any statements related to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

The Senator from Florida is recognized.

Mr. NELSON of Florida. I thank the Chair.

(The remarks of Mr. NELSON of Florida pertaining to the introduction of S. 3569 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. NELSON of Florida. Mr. President, I yield the floor, and 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF SHARON JOHNSON COLEMAN TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Sharon Johnson Coleman, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. The deputy leader.

Mr. DURBIN. Mr. President, I ask unanimous consent, under the pending nomination, to speak under the time allocated to Senator LEAHY.

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

Mr. DURBIN. Mr. President, I am pleased the Senate is going to vote today on the nomination of Sharon Coleman to be U.S. District Judge for the Northern District of Illinois. We currently have at least five vacancies. She is an amazing, accomplished jurist who will fill one of those vacancies with distinction, I am sure. She has devoted her entire legal career to government service.

She was elected to be Cook County trial court judge in 1996, a campaign where I first met her and her great family. She won retention election in 2002. As a trial judge, she presided over 600 cases that went to verdict.

In 2008, she received promotion. She was elected to the prestigious Illinois Appellate Court. She has a reputation for fairness and impartiality and for having an outstanding judicial temperament.

Not surprisingly, all members of the American Bar Association evaluation committee gave Justice Coleman the highest possible rating of well qualified.

Before tenure on the bench, Justice Coleman served for 4 years as an assistant U.S. attorney in Chicago and for 8 years in the Cook County State Attorney's Office. As Cook County prosecutor, she handled a wide variety of cases—from muggings to murders. She was promoted to be chief of the public interest bureau, where she supervised over 75 attorneys and created a special unit to protect senior citizens from exploitation and abuse.

As additional evidence of her commitment to the legal profession, she served on the boards of numerous bar associations and public interest organizations in the great city of Chicago. She has received many awards for her work, including the prestigious C.F. Stradford Award from the Cook County State Attorney's Office, the Esther Rothstein Award from the Women's Bar Association of Illinois, and a ''Women of Excellence'' award from the Chicago Defender newspaper. Finally, I note that Justice Coleman was one of the top candidates recommended to me by my bipartisan merit selection committee I established last year to review applications for judgeships in the northern district. This screening committee is chaired by Abner Mikva, who served at the highest levels of government in all three branches. Also, Senator BURRIS has joined me in supporting Justice Coleman.

I hope we can receive a very strong vote for her nomination when it is considered by the Senate in a few moments. The State of Illinois will be very fortunate to have Justice Shirley Coleman to be serving on the Federal bench.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

NASA AUTHORIZATION

Mr. NELSON of Florida. Mr. President, while we are waiting on other Senators who wish to speak on this judge, I wish to briefly inform the Senate that this coming Thursday, the full Commerce Committee will consider a number of bills that it will mark up. Among them is the authorization bill for NASA.

We are building consensus in what has otherwise been a consensusless position of the future of the manned space program. The President had proposed one thing. He altered that. Different people have different ideas. Different aerospace companies all looking to have a certain part of the manned space program also have their different ideas.

Out of this mix, we are trying to bring together Senators to build a consensus in a bipartisan way; the space program is not only not partisan, it is not even bipartisan. It is nonpartisan—to be able to do this in a fairly unanimous way.

I am happy to report to the Senate that I think we are getting there. I believe what we will have is the essence of the President's proposal. It will still have the continuation of the President's proposal for competition among commercial space companies to deliver not only cargo to the International Space Station, of which the President recommended, and we will certainly