cost keeps going up. I can't raise the cost of a cup of coffee to keep up with this. You have do something.

He told us this 2 years ago. I saw him recently. Same challenge, same issue—his business is trying to do the moral, conscientious thing to cover its employees, even part-time employees, and is having a tough time.

Large corporations, like General Motors, finally struck a deal with United Auto Workers, and the biggest problem, the biggest challenge in their negotiation is what to do with the health insurance of employees and retirees.

So when you hear this over and over again, you think to yourself: Well, what is Congress going to do? And the answer is: Virtually nothing. There is no leadership in Washington. And it has to start in the White House when it comes to health care reform, with one exception—an important exception.

Ten years ago, we said: With 40 million uninsured Americans—15 million being kids—it is time we provide health insurance for those uninsured children in America. It was a Republican Congress, but Democrats supported it. That bipartisan bill passed; it was signed by the President and went into effect.

In a span of 10 years, we moved from covering zero children to 6.6 million children, who were given help through their families to buy health insurance from private insurance companies. Mr. President, 6.6 million out of 15 million were covered—a bipartisan proposal that worked.

Now that law is about to expire. It is called the Children's Health Insurance Program. So we decided we needed to not only keep this program going, but we needed to expand it from 6.6 million kids to 10 million—or 10.5 million kids. Let's keep moving until every kid in America, every child has health insurance. Well, we put together another bipartisan proposal, brought together some very conservative Republican Senators, such as CHUCK GRASSLEY of Iowa, ORRIN HATCH of Utah, and many others, and said: Let's work out something in a cooperative way that extends this program responsibly. And we did it. We ended up with an increase in the Federal tobacco tax and the revenues dedicated to covering more children with health insurance. I like that because more expensive tobacco products means fewer kids will buy them. I like to keep tobacco out of the hands of kids until they become adults and can make a responsible decision about a product that can lead to addiction and disease and death. So I like the tradeoff here from a public health viewpoint.

We passed that bill extending the Children's Health Insurance Program—over 10 million to be covered—with 69 votes in the Senate. That is pretty good here. We have these death-defying struggles and end up passing amendments by one or two votes, but we passed this by a big margin and then sent it over to the House, and they passed it. It was then sent to the President of the United States, where he had his chance to extend children's health insurance, and he vetoed the bill. He said no. He said it is socialized medicine, too much government involved in it.

Well, I disagree with the President. First, this is insurance from private health insurance companies; it is not Government insurance. Secondly, this isn't socialism. What we are talking about is helping working families. The poorest families in America and their children are already taken care of. We have Medicaid in every State in the Union. The poorest kids have that. They have that Government health insurance protection. And the kids of families where mom and dad get benefits are already covered. It is the kids who fall in between, the kids of mothers and fathers who go to work every day and have no health insurance, those are the kids we are trying to help. So this isn't about poor people; this is about middle-income working families who don't have health insurance at work.

What if you had to go out tomorrow and buy a health insurance plan for your family. Assume your employer doesn't offer any benefits. What are you going to pay? Well, if you happen to have a pretty healthy family and you don't want a lot of coverage and you have a big deductible and a big copay, you may get by for $600 a month. But if there is a complication there—a sick child, your wife has had some problems, you have had some problems—you know what happens to those premiums. Pretty soon, they are $800 a month, $1,000 a month, and people who are making regular, middle-class incomes in America cannot afford them. That is the reality. So when someone in the White House says we shouldn't be helping families making $60,000 a year to pay these health insurance premiums, I think they are really out of touch with reality.

This morning, two of my colleagues, Senator CORNYN of Texas and Senator DEMINT of South Carolina, came to the floor to talk about health care. Good. We need more conversation. But we also need their support. They didn't support the passage of the Children's Health Insurance Program. I wish they had. We really need to make this a broader, bigger, bipartisan issue.

In just 2 days, the House of Representatives will try to override the President's veto. I don't know if they will make it. They need 15 Republican Congressmen to switch over to override the President's veto to extend the Children's Health Insurance Program. Maybe they can't do it. If they fail, it means, at the end of the day, this program will cover fewer children in America. Is that our goal? I think our goal should be the other way. We need to reach a point where everybody in America has the peace of mind of health insurance.

I am lucky. As a Member of the Senate and a Congressman, I get to enroll, as other colleagues do, in the Federal Employees Health Benefits Program. This is a great deal. For 8 million Federal employees and their families, we get to choose open enrollment every year—in my case, for my wife and myself, from nine different private health insurance plans offered in my home State of Illinois. Nine choices. It is like shopping for a car, my friends: if I don't like last year's model, I am trading in for a new model. I can go to a new company. Now, this is something most Americans would dream of, to have that kind of opportunity. It is available to me as a Federal employee.

Shouldn't every American have that peace of mind? Shouldn't we all understand that if you go to work every day, and you love your family, that you ought to be able to provide them the protection of health insurance? For 47 million Americans, the answer is no, they do not have it. For 9 million kids out of that 47 million across America, they have no health insurance.

A child without health insurance is a child without a regular doctor, a child without regular checkups, a child who may not get the immunizations they need. That is what kids face when they do not have a medical home, or a health insurance policy. I need not tell you what happens when a medical disaster strikes a family like that. It becomes overwhelming. It can bankrupt a family that thinks it is in a pretty comfortable situation.

So I urge my colleagues in the Senate and in the House, on both sides of the aisle, to get together. There has to be some common ground here. I thought children's health insurance was a great place to start. I hope the House will override President Bush's veto. I think the President is out of touch with working families in America and the reality of the challenge they face with health insurance. So I hope that we can override his veto, that we can extend this program and cover many children today who don't have protection.

NOMINATION OF STEVEN BRADBURY

Mr. DURBIN. Mr. President, tomorrow the Senate Judiciary Committee will hold hearings on the nomination of Judge Michael Mukasey to be Attorney General. I look forward to those hearings and hope to ask some questions about his plans—if he, in fact, is confirmed as our next Attorney General—to repair some of the damage that has been done at the Justice Department. I am concerned that progress really isn't going to be possible without some significant changes there. In particular, I think we need new leadership at the Justice Department's Office of Legal Counsel.

Today, I am joined by Senators TED KENNEDY and RUSS FEINGOLD in sending a letter to President Bush calling on him to withdraw the nomination of

Steven Bradbury to be head of the Office of Legal Counsel and to submit another nominee.

The OLC—the Office of Legal Counsel—is a small office. Most people don't even know it exists. But it really has a lot of power, especially in this administration. Their legal opinions are binding on the executive branch of Government.

In August of 2002, OLC issued the infamous torture memo. This memo narrowly defined torture as limited only to abuse that causes pain equivalent to organ failure or death. It also concluded the President has the right as Commander in Chief to ignore the torture statute—the law of the land—which makes torture a crime. This memo was the official Bush administration policy for over 2 years. This was a memo produced by the Office of Legal Counsel.

Jay Bybee, who was then head of that office, signed the torture memo. Unfortunately, Mr. Bybee was confirmed to a lifetime appointment as judge on the Ninth Circuit Court of Appeals before Congress and the American people learned about this infamous torture memo.

Jack Goldsmith succeeded Jay Bybee as head of the Office of Legal Counsel. We only recently learned about the critical role Mr. Goldsmith played. As head of the office, he revoked the misguided Office of Legal Counsel opinions regarding warrantless surveillance.

Deputy Attorney General Jim Comey has emerged as an almost heroic figure time and again as we have learned of his role in the Justice Department under Attorneys General Ashcroft and Gonzales. Mr. Comey supported Mr. Goldsmith's actions. This led to the infamous showdown at the bedside of Attorney General John Ashcroft where White House Chief of Staff Andrew Card and former Attorney General Alberto Gonzales, then White House Counsel, tried to strong-arm Mr. Ashcroft into overruling Mr. Goldsmith.

In June 2004, Mr. Goldsmith revoked the Bybee torture memo. Shortly afterward, he left the Justice Department.

In 2005, President Bush nominated Steven Bradbury to succeed him. He has been the de facto head of the Office of Legal Counsel for over 2 years.

During the confirmation process, Mr. Bradbury has refused to answer questions from Judiciary Committee members regarding torture.

In November 2005, I initially objected to Mr. Bradbury's nomination, and I said:

> Mr. Bradbury is currently the acting head of the Office of Legal Counsel. In this capacity, he approves Justice Department legal opinions. Since the Justice Department refuses to provide us with OLC opinions on interrogation techniques, we do not know enough where Mr. Bradbury stands on the issue of torture. What we do know is troubling. Mr. Bradbury refuses to repudiate un-American and inhumane tactics, such as waterboarding, mock execution, and physically beating detainees.

There are also seriously unresolved questions about Mr. Bradbury's role in the NSA warrantless surveillance programs. Last year, the Justice Department's Office of Professional Responsibility opened an investigation into the conduct of the Justice Department attorneys who authorized the NSA program. In an unprecedented move, President Bush personally denied security clearances to the Justice Department investigators, effectively blocking the investigation. Documents provided to the Senate Judiciary Committee suggest that this internal investigation was looking into whether OLC engaged in misconduct while Mr. Bradbury was acting head of OLC.

In August 2006, Senator KENNEDY, Senator FEINGOLD, and I sent a letter to President Bush calling for him to allow an internal investigation relative to this issue. We have not received a response.

Recent reports regarding Mr. Bradbury's involvement in approving the legality of abusive interrogation techniques provide further evidence of his unsuitability. According to an October 4 article in The New York Times, Mr. Bradbury signed two OLC legal opinions approving the legality of abusive interrogation techniques.

Mr. Bradbury reportedly authored an opinion on so-called ''combined effects,'' which authorized the CIA to use multiple abusive interrogation techniques in combination. According to The Times, then-Attorney General Alberto Gonzales approved this opinion over the objections of then-Deputy Attorney General Comey, who said the Justice Department would be ''ashamed'' if the memo became public.

The Times also reports that Mr. Bradbury authored and Alberto Gonzales approved an OLC opinion concluding that abusive interrogation techniques such as waterboarding do not constitute cruel, inhuman or degrading treatment. This opinion was apparently designed to circumvent the McCain Torture Amendment, then being considered by Congress, which clarified that such treatment is absolutely prohibited.

Mr. President, in the interest of turning the floor over to my colleague from North Dakota, I will not read this entire statement, but I do wish to tell you that I believe the cumulative evidence against Mr. Bradbury raises serious questions as to whether he should even continue in this interim capacity as head of the Justice Department's Office of Legal Counsel.

We are not asking the President to nominate some Democrat for the position. We don't expect that. But we ask him to nominate someone with professional integrity who can restore the morale of this Department and the luster which should be part of this important office. Jack Goldsmith describes himself as a conservative Republican, but he stood up to a White House when it came to issues of torture and warrantless surveillance.

I urge the President to withdraw Steven Bradbury's nomination and submit another nominee for Assistant Attorney General for the Office of Legal Counsel.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. How much time remains in morning business?

The ACTING PRESIDENT pro tempore. Twenty minutes.

THE OIL CRISIS

Mr. DORGAN. Mr. President, the front page of a recent New York Times article and front page of a Wall Street Journal issue said: ''Ethanol's Boom Stalling As Glut Depresses Price.'' Wall Street Journal article says: ''Ethanol Boom Is Running Out of Gas.'' Last night on ''NBC Nightly News,'' featured a piece about the closing of ethanol plants and the problem with the production of ethanol as a substitute for oil.

Mr. President, I want to talk a moment about that because we are unbelievably dependent on foreign oil. If anybody thinks they should nap through this or sleep through this vulnerability, they are dead wrong because 60 percent of the oil we need in this country and use every day we get from outside of our country. We stick little straws in this planet of ours and suck oil out. We suck out about 84 million barrels of oil every single day. We use one-fourth of that in this country every day, or about 21 to 22 million barrels of oil. So of all the oil we suck out of this planet every day, we use one fourth of it just in this little space called the United States of America.

The problem with using one fourth of it is that 60 percent of that oil which we use comes from other countries, much of it from troubled parts of the world, such as Saudi Arabia, Kuwait, Iraq, and Venezuela. Well, if tomorrow, God forbid, somehow the import of oil into this country were interrupted, we would be flat on our back economically.

We get up in the morning and just take it all for granted. We get up, we get out of bed and rub our eyes, then flick a switch, and the lights go on. We get in the car, turn the key, and the engine starts. We take it all for granted. But what happens at some point if we shut off the petroleum, shut off the electricity, and see what life is like, see what our economy is like?

So we decided to do something about that. If we are unbelievably dependent on and vulnerable when it comes to foreign oil, what do we do? We begin to produce energy in our farm fields.

We produce biofuels. That is not a new thing. It has been around over a century. I was at a biodiesel plant the other day. It was a grand opening. I pointed out there that the first known use of vegetable oil as fuel for a diesel engine was a demonstration at the World's Fair in the year 1900. Rudolf