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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, thank You for our many freedoms. Help us to use them, not to hide behind safe walls but to make our world a better place. Teach us to live with eternity in our view and to refuse to let the world squeeze us into its mold.

Lord, give wisdom to our lawmakers. May they seek Your approval above the hollow applause of men and women. As the servants of this Nation, may they strive to be filled with Your spirit of wisdom, knowledge, and understanding. Use our Senators to reverse the spiritual and moral drift of our Nation by exemplifying righteousness, repentance, rectitude, and reconciliation in the lives they lead.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period for the transaction of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each. However, I ask unanimous consent that the full 30 minutes of the majority be controlled by the Senator from Pennsylvania, Mr. SPECTER.

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

Mr. REID. The majority will control the first 30 minutes, the Republicans will control the second 30 minutes. Following morning business, the Senate will begin consideration of H.R. 2996, the Interior appropriations bill. Following the managers' opening statements, the floor will be open for Senators to offer amendments. At 2 p.m., we will resume consideration of H.R. 3288, the Transportation-HUD appropriations bill, and proceed to a series of up to six rollcall votes and complete action on that bill.

I think it is important to say to everyone that we are now in a mode of doing some legislation. I appreciate very much the cooperation of all Senators, Democrats and Republicans. We are now in the mode of, when a bill comes up, people can offer amendments. For a number of years, that

simply was not the case. When there are circumstances and a decision is made not to allow amendments, I understand, after people are in the habit of being able to offer amendments, how concerned they become. We will approach that whenever it comes about, if there is a decision made to so-called fill the tree and not allow amendments.

In the way we are working, we are taking some tough votes. Democrats are offering some difficult amendments, Republicans are offering some difficult amendments. But that is OK. We are working through these bills. We could have been voting on cloture on the Transportation appropriations bill. We could have been invoking cloture on that bill this morning. It simply has not been necessary.

We have some nominations we are still working our way through. One Republican Senator has held up a nomination for quite some time. He came to me yesterday and said: You can go ahead and put that one through.

I am satisfied and confident this is the way the Senate should operate.

We have the health care bill on the horizon. If we are able to get 60 votes to proceed to it, it is going to take everyone's cooperation and patience to work through the amendments that will be necessary to go forward on that bill. I am hopeful and confident we can work through that bill. If not, we will have to go to reconciliation, which I hope we don't have to do, but if we have to, we have to do that.

Anyway, I feel good about what we have been able to accomplish this week. I repeat, it sets a pattern of how we should be legislating.

Behind me is Senator SPECTER. He came to me a number of times last year and said: Are there going to be amendments allowed? And I said yes. He said he would vote to move forward on the bill. I think there were other people who felt the same way, but they just were not as vocal as Senator SPECTER.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I appreciate the good work, including that of my colleague, the senior Senator from Kentucky, who is one of the people who has stressed how important it is to have amendments. I recognize he cannot control his Senators all the time, nor can I. In spite of that, we have been able to work through legislation.

I want to get the appropriations bills done, as does Senator MCCONNELL. He and I have been members of the Appropriations Committee during our entire tenure in the Senate. It is important that we work through these bills. As of today, we will have completed five of them. We are going to do our utmost to do the conference reports before the first of October. We may have to—not may—we will have to have a short-term CR, and by the end of that short-term CR, hopefully we can complete all the appropriations bills.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. MCCONNELL. Madam President, over the past few months, the American people have been sending us a clear message on health care. They want reforms that make health care more affordable and more accessible, that increase choice, and that keep government out of their health care decisions. What they don't want are so-called reforms that cut seniors' health care, force Americans off private health plans they have, cost hundreds of billions of dollars, raise taxes, and put government bureaucrats in charge of health care. But that is exactly what they would get under the plan released by the chairman of the Senate Finance Committee just yesterday. So while I appreciate the hard work of the senior Senator from Montana on this legislation—and he certainly has spent enormous amounts of time on it—I am extremely disappointed that it does not reflect the concerns Americans have been expressing for weeks about health care reform. That much is very clear.

Now it is time to let the American people study the bill themselves. Before we bring any legislation to the floor, we need to make sure the American people and all of our colleagues, every single one of them, have the time to carefully read it and evaluate its potential effects on our health care system and the economy in general. Americans got rushed on the stimulus. They will not be rushed on health care—not on an issue that affects every single American. Before we discuss or vote on any plan, we need to know what it does, how much it costs, and how it will be paid for.

Here is what we know now about the Finance Committee plan.

First, the Finance Committee proposal would cut hundreds of billions of

dollars from seniors' Medicare benefits to pay for new government programs. America's seniors want us to fix Medicare, not take money from it to pay for a new, untested, trillion-dollar government program. This bill would also break the President's promise to seniors that they will not be required to change the coverage they have. Right now, 11 million seniors are enrolled in Medicare Advantage, a program that gives them more options and choices when it comes to their health care. Ninety percent of these seniors are satisfied with their plan. The Finance Committee bill would make massive cuts to Medicare Advantage and force some seniors to give it up, something that even one of our Democratic friends just yesterday called "intolerable."

Senators from both sides of the aisle are concerned about the new burdens this bill would impose on States in the form of Medicaid expansion. Unlike the Federal Government, many States are constitutionally—in fact, I think virtually all of them are constitutionally required to have balanced budgets. This means that if politicians in Washington force them to increase spending on Medicaid, they very likely will have to cut services or raise taxes right in the middle of a recession.

The Finance Committee bill would kill jobs by forcing employers to provide insurance, regardless of whether they can afford it. While advocates of the bill say it does not contain an employer mandate, their claims just do not square with the facts. If you tell an employer that they either have to provide insurance or pay a penalty, that is a mandate.

The Finance Committee bill contains approximately \$350 billion in new taxes, and some of these taxes, such as those on medical devices ranging from MRIs to Q-tips and new taxes on insurance plans, will drive up insurance premiums and make health care even more expensive for American families. If there was one thing we thought everybody agreed on, it was that any reform should not make health care more expensive. Yet this Q-tip tax would actually increase health care costs. That is why Senators from both parties have warned that it would put thousands of jobs in jeopardy and actually deter innovation.

The Senate Finance Committee bill also contains a co-op, which is just another name for a government plan. It still gives the government far too much control over our health care system. It cuts seniors' benefits, spends hundreds of billions of dollars, and raises taxes to pay for another trillion-dollar government program. And it still does not contain the kind of commonsense reforms the American people support and Republicans have consistently recommended, such as meaningful reforms to get rid of junk lawsuits against doctors and hospitals and reforms to level the playing field when it comes to taxes on a health care plan.

There is no question that Americans want health care reform, but they want the right reforms and they want us to take the time we need to get it right. During the month of August, the American people sent us a clear message on health care. I am disappointed that many of my colleagues apparently were not listening.

CONSTITUTION DAY 2009

Mr. MCCONNELL. Madam President, the National Constitution Center in Philadelphia first opened its doors on July 4, 2003. Situated just steps away from the Liberty Bell and historic Independence Hall, it is the only museum in America solely dedicated to honoring America's Constitution.

Our Constitution was signed on this day—this very day—in 1787 by 39 brave, outstanding Americans. Now, 222 years later, we thank them for devising the finest system of government mankind has ever produced. By recognizing that rights flow from the people to their government and not the other way around, our Constitution is firmly dedicated to the preservation of liberty. That is why we celebrate every September 17 as Constitution Day. It is a day for all Americans to learn more about the Constitution, to understand how it works, and to appreciate how it has guided our Nation through growth and through change.

I thank the senior Senator from West Virginia, Mr. BYRD, for sponsoring this legislation 5 years ago to observe this historic day. We all know the love Senator BYRD has for his country and his country's history. He knows that you cannot truly understand how liberty is preserved in America without understanding the Constitution. Thank you, Senator, for your efforts to ensure that future generations also learn this important lesson.

On this day, we recognize citizens across the Nation who are honoring our Constitution by honoring its values and passing them along to our children and grandchildren. And we say a special thanks for the men and women in uniform who defend it. Thanks to them, the Constitution's promise will be there for the next generations of Americans.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with