

Mr. CORNYN. Mr. President, in response to the distinguished Senator from Oregon, I believe our morning business time has expired and we would yield back any remaining time so the Senator from Oregon can begin his remarks.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. I thank my colleagues for their courtesy.

#### HEALTH CARE IN AMERICA

Mr. WYDEN. Mr. President, it is not breaking news that the American health care system is broken, even though our country has scores of dedicated and talented health care providers. It isn't breaking news that Congress has ducked fixing health care since 1994.

What should be breaking news is that for the first time in decades there is a genuine opportunity for Democrats and Republicans to work together to fix American health care.

A few days ago in his State of the Union Address, the President put forward a health care reform proposal that focuses on changing the Federal Tax Code. Since then, leading Democratic and Republican economists have joined forces to point out how Federal health care tax rules benefit the most affluent among us, and subsidize inefficiency as well.

For example, right now under the Federal Tax Code, a high-flying CEO can write off the cost on their Federal taxes of going out and getting a designer smile while a hard-working gal in a small hardware store in Montana, Oregon, or anywhere else in the country, gets virtually nothing.

I am of the view that Democrats and Republicans should work together to change this inequity and make sure that all of our citizens have affordable, quality, private health care coverage with private sector choices—the way Members of Congress do.

The Federal Tax Code and its policies have disproportionately rewarded the affluent. They came about because of what happened in the 1940s when there were wage and price controls. These policies might have worked for the 1940s, but they are clearly not right 60 years later. Democrats and Republicans can work together to change the Federal tax rules that grease the system and disproportionately reward the most affluent and subsidize inefficiency.

In return for those on the Democratic side of the aisle supporting a change in Federal health tax rules and coverage through private sector choices, the President and Republicans should join with Democrats and independent health experts of all political philosophies who say to fix health care we have to cover everybody for essential benefits. What is very clear now on health care is if we do not cover everybody—and not for Cadillac coverage,

but for the essentials—our country will always have a health care system where those who have no coverage have their costs transferred to people who do have coverage. Every night in Montana, Oregon, and elsewhere in our country we have folks in hospital emergency rooms because they have not been able to get good outpatient health care, and the costs for folks in hospital emergency rooms who cannot pay get transferred to people who can pay. Many health care experts have theorized that perhaps up to 20 percent of the premium paid by people who have coverage is because of the costs for caring for those without coverage.

At this point in the debate, Democrats can say that Federal tax rules are inequitable with respect to health care and we can use private sector choices. My hope is Republicans will say to fix health care we have to have a system that covers everybody. Democrats and Republicans can come together to make that case.

There are other areas where we can find common ground right now between the political parties on health care. For example, Democrats and Republicans in the Senate think we ought to give a broad berth to the States to innovate in the health care area. Surely what works in the State of Montana may not necessarily work in Florida, Iowa, or New York. They say, "Let's give a broad berth to the States to show innovative approaches." Particularly Governor Schwarzenegger and Governor Romney deserve a lot of credit for being willing to lead at the State level. In my State, folks have some innovative ideas, as well. My guess is they do in Montana, elsewhere. We can take steps to promote them. I personally don't think the States can do it all because the States cannot solve problems they did not create. That is why we need to change the Federal health care tax rules. Because of the federal tax rules, the Federal Government is the big spender in health care. The States cannot do a lot about that. But surely, as part of the effort to bring Democrats and Republicans together, we can agree to make changes in the Federal health care tax care rules and we can agree to get everyone covered. We can also agree there is a lot of common ground between Democrats and Republicans, to give States the opportunity to innovate.

Democrats and Republicans, as we look at the possibility of a coalition, can join together so we have health care rather than sick care. We do not do a lot to promote wellness and prevention in this country. Medicare shows that better than anything else. Medicare Part A will pay checks for thousands and thousands of dollars of hospital expenses. Medicare Part B, on the other hand, the part for outpatient services, hardly does anything to reward prevention and wellness. You can not even get a break on your premium—the Part B premium, they call it—if you help to hold down your blood

pressure, cholesterol, stop smoking, and that sort of thing. Surely Democrats and Republicans can join hands to do more to promote prevention, and to have incentives for parents, for example, to get their kids involved in wellness.

This would not be some kind of national nanny program where we have the Federal Government saying, we are going to watch the chip bowl, but sensible prevention policies on which Democrats and Republicans can agree.

It also seems to me that Democrats and Republicans can join hands with respect to chronic health care and end of life health care. We know in the Medicare Program close to 5 percent of the people take about 50 percent of the health care dollars because those folks need chronic care and because of spending at the end of life. They need compassionate health care. We have not thought through policies that can bring both Democrats and Republicans together to deal with this area of health care where an enormous amount of the money is going.

For example, to get Medicare's hospice benefits, right now seniors have to choose whether they are going to get curative care or hospice care. That makes no sense at all. Why should a senior have to give up the prospects of getting a cure for their particular illness in order to get hospice benefit? Let's not pit the hospice benefit against curative care. Let's have Democrats and Republicans work together in order to make changes that expand the options available for older people.

The door is open right now. The State of the Union gave new visibility to the health care cause. Democrats, such as myself, who serve on the Committee on Finance, who will say these Federal health care tax rules are inequitable, can join hands with Republicans who will say we need to cover everybody and stop the cost shifting. The door is open right now if Democrats and Republicans will work together in a bipartisan basis.

Some people are saying it can't be done. They are saying there is too much polarization on health care and other big issues. Let's talk about it, once again, when there is a Presidential campaign. I send a clear message on that point, as well. Of course, this country can put off fixing health care once more, as it has done again and again for 60 years—going back to Harry Truman in the 81st Congress. It was 1945 when he began to talk about fixing health care. I guess one can argue, let's put it off again and have another Presidential campaign where people go back and forth on this issue. However, I submit that whoever the new President is in 2009—and I am very excited about our Democratic candidates—no matter who is the new President—should address this issue. However if, heaven forbid, there is a terrorist attack early in the new Administration, health care would get put

off once more. Perhaps we would go for several more years without talking about health care reform.

We have had people working to fix health care in this country for years and years, people on both sides of the aisle. On our side of the aisle, we have Senator KENNEDY. No one has championed the cause of fixing health care for as many years as passionately as Senator KENNEDY. Republicans have worked very hard for health care reform, as well.

I hope this question of health care reform is not somehow deferred once again until 2009. There is a broad consensus of what needs to be done. I outlined four or five areas this morning, starting with changing the Federal health care tax rules and making sure there are good private sector choices for Americans, getting everyone covered, and emphasizing prevention and wellness. That alone would be a good basis for Democrats and Republicans to start in. Clearly, a system that was created in the 1940s ought to be modernized in 2007. As I pointed out, the system that came about in the 1940s was a historical accident. There were wage and price controls and there was no way to get health care to working families other than to say, maybe the employers will cover it.

Today our businesses are up against global competitors that have their governments pick up their health care bill. The combination of the disadvantage our businesses face, the huge escalation of costs, the significant increase in chronic illness, and our rapidly aging population means the current system is not sustainable. It is not sustainable and that is why we need to act.

I am so pleased to see the Presiding Officer in the chair, a new Senator from Montana, who has lots of good ideas on health care and has campaigned on them. I know he and many on both sides of the aisle want to fix the system. That is what we got an election certificate to do, to work together on the most important issues, not put it off for another couple of years and have another Presidential campaign. We need to sort it out right now.

The American people know we ought to have a new focus, on prevention rather than sick care. We can work on that now. The American people know a lot of the States have innovative approaches. We can help them build on it. The American people know the tax system in the health care area disproportionately favors the most affluent and does not give a break to the working person and it ought to be changed. These are the reasons why both sides ought to join hands to do that.

The time to fix health care is now. There are a variety of proposals that have been put before the Congress. I have not even mentioned my legislation this morning, the Healthy Americans Act, based on many of the principles I have discussed today. I am not

wedded to every provision or every part of it. It is a piece of legislation that can bring folks together. When I introduced it, Andy Stern, the president of the Service Employees International Union, 1.8 million members, was there, but so was Steve Burd, the CEO of Safeway, with over 200,000 employees. So was Bob Beall, the CEO of a company with 400 people. So was a member of the National Federation of Independent Businesses who was from Oregon. He spoke for himself, not for the group. He employs eight people. All of these employers said that the legislation would work for them.

Now it is up to us in the Senate. It is up to us, with the door open, to get Democrats and Republicans to come together. I certainly have not agreed with all the details of the President's proposal, but he has given some new visibility to the cause. All sides ought to say, let's get going, let's not wait for another campaign for President to go forward. Let us do our job now. There is much to work with that can bring both political parties together to fix American health care.

I will be spending a lot of my waking hours on that in the days ahead. I look forward to working with both Democrats and Republicans in the Senate to get it done.

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal Minimum Wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich amendment No. 110 (to amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint amendment No. 157 (to the language proposed to be stricken by amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 159 (to amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint amendment No. 160 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint amendment No. 161 (to amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint amendment No. 162 (to amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) amendment No. 128 (to amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez amendment No. 105 (to amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders amendment No. 201 (to amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg amendment No. 203 (to amendment No. 100), to enable employees to use employee option time.

Burr amendment No. 195 (to amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees health benefit expenses.

Kennedy (for Feinstein) amendment No. 167 (to amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) amendment No. 169 (to amendment No. 100), to prevent identity