

ADVANCING AMERICA'S  
PRIORITIES ACT

Mr. REID. Mr. President, I have a unanimous consent to take up, if we have someone here on the other side. We have been working for this entire Congress, especially hard the last 6 months, to complete legislation that one Senator has held up—34 different bills dealing with very important issues: stroke victims, people who are paralyzed, postpartum depression.

We have situations dealing with very serious issues. In fact, the “Oprah” show has dealt with one issue that this one Senator has held up dealing with sexual predators, pornography. But one Senator has held up 34 different bills. Now, remember, these are authorizations. There isn't a single penny spent in any of these bills.

We have legislation being help up which deals with Emmett Till, giving some recognition to what has gone on in years past about people of color and how they were treated.

So I am going to take a few minutes to make a series of unanimous-consent requests to try to get some important bills passed. I will start with S. 3297, the Advancing America's Priorities Act. And then if Republicans block that, I am going to break it into various parts and seek unanimous consent to pass these.

The Senator from Oklahoma has said he has no problem with eight or so bills. We will see. It is hard for me to comprehend how, each day that goes by, these very important pieces of legislation are held up. We have tried to get these passed. I have filed cloture on two separate occasions, and it has been blocked by Republicans. This is regrettable obstructionism, but it has plagued this Congress. We have had approximately 95 filibusters used this Congress.

We all know the Senate was not built for speed. That is the way the Founding Fathers set this up. But what has happened is ridiculous. The Senate rules give rights to the minority, as they should, and even individual Senators. The Senate rules sometimes make things move slowly and don't allow the majority to run roughshod over the minority, and I agree with that. The rules promote bipartisanship. They promote a deliberative process and policies with broad support throughout the country.

At the same time, however, these rights come with some responsibilities. Traditionally, the rules of the Senate have not been abused by the minority or by individual Senators. When a policy has brought bipartisan support and the Senate committees have acted, individual Senators would not hold up important pieces of legislation in years past because, otherwise, one Senator is saying: I know best. That is what has happened here. I know better than the committee. I know better than the Congress, better than the Senate, better than the broad bipartisan majority. The Senate rules were meant to promote centrism, not egocentrism.

It used to be that if one Senator was trying to abuse the Senate rules, then his or her caucus would set them straight—they would vote for cloture, to end the filibuster of the one who was halting progress on broad bipartisan legislation. Unfortunately, we have a minority now that is not interested in keeping the trains running in America. In fact, they are interested primarily in obstructing the process on important legislation. There is no better example than what has happened on these bills.

Remember, these bills have passed the House of Representatives, they have been reported out of the committees of jurisdiction. We have seen an unprecedented number of filibusters by the Republicans. It is not a few more than previous Congresses. The Republicans have shattered the record for obstructionism. At each step of the legislative process, we have seen delay, obstruction, delay, obstruction. We have had to waste weeks and weeks of Senate floor time before we could vote on legislation which ends up passing by a huge margin.

We are told by the Secretary of the Treasury, we are told by the head of the Federal Reserve System that the No. 1 problem that caused the start of the financial meltdown was the housing crisis. Let's go back and look at that: Seven filibusters were initiated to pass the housing legislation that we ultimately passed. Seven filibusters. In that process, more than 100,000 people went into foreclosure.

We have seen delay, delay, delay. It is regrettable. It is an abuse of the process, and it is shameful. The height of the ridiculousness came on the cloture vote on the motion to proceed to S. 3297, these 47 bills, this package of legislation made up exclusively of bills with broad bipartisan support. These bills all passed the House with huge bipartisan votes—an average of about 380 votes in the House. Almost a third of the package has been introduced by Republican Senators. All the bills had bipartisan lists of cosponsors—every one of them. The bills had seen extensive legislative action. All had been marked up by the House committee, voted on by the House, marked up by the Senate committee, and reported to the floor. The vast majority had seen all three processes. Scores of amendments had been considered and disposed of during the legislative process.

In Congresses past, these bills would have passed with unanimous consent with minimal floor time or at least gotten the support of the minority to stop this abuse of process. But here, no. In fact, some version of the six bills had passed by unanimous consent in previous Congresses. Those six bills, plus scores of others, with over \$1.3 trillion of new authorizations, passed under Republican rule last Congress with no offsets. How foolish it is to have offsets for authorizations—and that is just counting the bills that passed by unanimous consent or with

the “yes” vote of Senator COBURN. But not this Congress. This Congress, the Republicans allowed each of these bills to be held up by the whimsy of one Senator of their caucus, and then, to show the height of how the Republican minority doesn't help, now I am being asked to wait until 6:30 or 7 o'clock today, until he shows up, holding up the entire Senate, holding up the passage of these bills. These bills are not just naming of courthouses. These are bills dealing with the Christopher Reeve paralysis bill, helping people who are paralyzed, stroke victims; setting up a registry for Lou Gehrig's disease.

What were the bills the Republican Congress allowed Senator COBURN to hold up? I will talk about each one at greater length later, perhaps, but here is a quick rundown of each of these bills: a bill to stop exploitation of children by Internet predators, which has been held up for months and months; bills to promote research and education about strokes, paralysis—including helping paralyzed veterans. We have seen it on their license plates—“paralyzed veterans.” That is what they have in Nevada. I don't know if they have it other places. Paralyzed veterans—held up; Lou Gehrig's disease; postpartum depression; a bill to promote Internet broadband access throughout the country; bills to improve research into knowledge about oceans; a bill to improve the health and safety of America's beaches; a bill to improve treatment options for mentally ill criminals; a bill to help keep America's kids off the streets and extend a helping hand to children who have already run away from home; a bill to reauthorize an agency that operates at a net profit to the U.S. Government, that has helped promote U.S. exports for years; bills to promote important U.S. foreign policy and diplomacy programs.

Each of these bills has broad bipartisan support and has seen extensive legislative action. Yet Republicans are allowing one person to hold up these bills. They vote with him. They vote with him. They are just as responsible as he is because they let him get away with it.

One of the worst things about this obstructionism is that it was based on false and disingenuous arguments. The primary argument made by Senator COBURN was the package of bills would spend over \$10 billion; it costs too much. There is not one penny spent. To show how absolutely foolish this is, he wrote me a letter and said what he would like me to do is for me to pick \$10 billion out of this, delete it from the bill, and then offer an amendment to put it back in—that I would do that. The argument that it would cost \$10 billion is simply false. It is not true. It is erroneous. The package of bills included only authorizations. There was not a dime of appropriations to the package.

Everyone in the institution knows an authorizing bill does not spend a

penny. Just to hammer the point home, we had the independent CBO confirm that the package did not result in any new spending—which didn't take a Ph.D. at CBO to figure that out. Authorizations allow programs to be created and funded. When we pass an authorizing bill, we hope the authorized level will be looked at in appropriations committee—as I did as a longtime member. But we realize there are competing priorities, and full funding doesn't come very often.

There is an entirely separate process that determines actual spending levels; that is, the budget and appropriations process. The budget and appropriations process determines total spending and sifts through competing priorities to determine how much money each program should get.

Further, even when a new program is funded, that money does not just appear out of thin air. The appropriators make tough choices. Sometimes they will cut one program to the bone to accommodate a new program. Other times they will take a little bit here or there to accomplish what they want. But in all cases the spending decisions are made through budget and appropriations, not through the authorizing process.

Unfortunately, pesky little things like facts and the truth have not been much of an obstacle to obstructionism this year, especially on these 34 bills. It is an old playbook. If you repeat a lie enough, then gullible people, I guess, believe it. But facts are facts and truth is truth. The main argument against this package is false.

I am going to try again. Due to Republican obstructionism, we simply do not have time to spend a full week of Senate floor time on these bills. I filed cloture on a motion to proceed once before. The Republicans voted against it, so we would have to do that. It takes 2 years—2 days, I am sorry; it seems like 2 years—2 days to get to that first vote, and then there is 30 hours, and then on the bill I have to file cloture again; 2 more days, 30 more hours. That has happened almost 95 times this year, but on these bills, that is what they did. We do not have time to do that. If we have a lameduck session, perhaps so.

UNANIMOUS-CONSENT REQUEST—S. 3297

I am going to seek unanimous consent that the Senate proceed to Calendar No. 894, all 34 bills, that the bill be read three times, passed, the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Arizona.

Mr. KYL. Mr. President, reserving the right to object, and I will object on behalf of Senator COBURN, the majority leader is correct, he will be here a little later this afternoon and will speak to each of these issues. In the meantime, he has asked that I respond to the majority leader's unanimous-consent request. The only other thing I would say is that his primary objec-

tion, as the majority leader is aware, is that there have been 35 bills combined into one. Instead of having different votes on different bills, you get one vote on 35 bills, and Senator COBURN has already indicated his willingness to allow votes on several of these bills: the Drug Endangered Children Act; child pornography prosecutions—Enhancing the Effective Prosecution of Child Pornography Act; the Appalachian Regional Development Act Amendments of 2008; the Prenatally and Postnatally Diagnosed Conditions Awareness Act; the Christopher and Dana Reeve paralysis bill that the majority leader mentioned; the Vision Care for Kids Act; the Preservation of Records of Servitude, Emancipation, and Post-Civil War Reconstruction Act; and with some changes the ALS Registry Act; the Emmett Till Unsolved Civil Rights Crime Act; and the PROTECT Our Children Act.

As I said, the majority leader is aware of Senator COBURN's objections to considering these bills as one, and therefore I would be required to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, I say to my friend, with all the many days, weeks, and months they have been held up, you cannot blame Senator COBURN alone because there has been the complicity of these people on this side of the aisle allowing him to do this. It is shameful. There is no other way to say it. Everyone knows this doesn't cost a single penny. To say they are objecting because we lump them together—did they want us to file cloture on every one of these 34 bills? Every one of them? Remember what it takes; I have gone over it: 2 days to get to cloture, 30 hours after that, get on the bill, 2 more days, 30 more hours—it is outrageous what has happened to this country with this Republican status quo. And look what the status quo has gotten us. We are now in a financial meltdown.

The objection is unfortunate. These are broadly bipartisan bills, these are good bills, these are important bills, but we are not going to let obstruction go that easy. I am going to enter a series of unanimous-consent requests here to try to move pieces of this package.

I repeat, the outrageousness of all of this—do you think I might have something else to do tonight at 7 o'clock while we are waiting for him to jet in from Oklahoma or wherever he comes from? Do you think other people have other things to do than to meet his schedule, so he can be here to do a few things?

The first unanimous-consent request is the entire health care portion of this package. This portion consists of very important bills covering a range of diseases and conditions. I venture to say that every American, every family in America is touched by some portion of the health care provisions of this package.

I see in this body the Senator from Maryland. With her help—we were new in this body. I had three women come to visit me in Nevada. They were all very sick. They had a disease called interstitial cystitis. I had never heard the words in my life. Those women did not want to see me. They were sick. More than 90 percent of the people who get this disease are women. Because we are a male-dominated legislature—not as much as we used to be—she was here alone, the only woman. I said we have to do something about this because people say this was a psychosomatic disease. Fortunately, one of the women who got this disease was an orthopedic surgeon. She said: It is not psychosomatic. It is like slivers of glass being shoved up and down in my bladder. It is not psychosomatic.

I got the Senator from Maryland to help me. First of all, we established a registry for this disease. Now 40 percent of the people who get this disease are symptom free. There is a medicine that has come about that helps these people.

In addition to that, because of the advocacy of the Senator from Maryland, the National Institutes of Health now have a protocol, so that everything that is done to study disease, women have to be included. She knows they studied 10,000 people to find out what effect aspirin would have on heart disease. We looked at the study and not a single woman was tested. They were all men. We have been a male-dominated legislature, so we ignored them. But because of Senator MIKULSKI, we have not done that.

What we are trying to do with this registry is the same thing, with interstitial cystitis; that is, start having someplace where a doctor in Las Vegas or a doctor in Baltimore or a doctor in Chicago or in Phoenix can send to a place: Here is what happened with ALS. We were able to diagnose it; she got it; he got it; here is how long they lived; here are the symptoms—put something together so the great minds of America can work to deal with this disease. It doesn't cost any money. But Dr. COBURN has held it up, and he is going to continue to hold it up. He said this is one he will not agree to.

As I mentioned, every one of these deals with some problem that people within the sound of my voice—either their families, friends, or neighbors have a situation that encompasses this. The Christopher and Dana Reeve Paralysis Act has been held up for 2 years by this guy—2 years. I mentioned that also includes paralyzed veterans and the STOP Stroke Act. We have the Melanie Blocker Stokes MOTHERS Act—that is postpartum depression. Postpartum depression is serious. People are hospitalized as a result of that.

We need do some work on it. Dr. COBURN said this would not accomplish a thing, doctors know what to do now. All it would do is create a lot of bureaucracy. We do not need to worry about these people. Doctors know what to do.

Vision care for kids, and the Prenatally and Postnatally Diagnosed Conditions Awareness Act. Three of the six bills on here, on the health care title package, were introduced by Republicans. All of these bills passed the House with strong bipartisan support and have strong bipartisan support in the Senate. But they will not let us go forward, the Republicans, even though there are an equal number of bills basically on both sides of the aisle. The Republicans are supporting Dr. COBURN in helping us get nothing done.

UNANIMOUS-CONSENT REQUEST—  
TITLE I OF S. 3297

Mr. REID. Mr. President, I have a bill at the desk which is word for word identical to title I of our bill, which is the health care provisions. I ask unanimous-consent the Senate proceed to the immediate consideration of the bills at the desk, which consists of title I of S. 3297, the health care title of that bill, the bill be read three times and the motion to reconsider be laid on the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, and I will object on behalf of Senator COBURN, I would note two things: First, that we do not have to wait until 7 o'clock tonight. I came over to the Chamber so the majority leader could posit his unanimous-consent requests and there would be somebody here to speak on behalf of my colleague Senator COBURN. That is why I am here.

Secondly, as I said, some of these bills, there are eight of them, that Senator COBURN has said, let's pass them right now. We do not have to go through the whole rigmarole of filing cloture and 30 hours of debate and all of the things the majority leader talked about.

One or two of those are on the list he spoke about. There are eight in total here. So I would note that it boils down to "take it or leave it," either all 35 or none, whereas Senator COBURN's view is that some of these bills could be passed without the necessity of filing cloture; let's just do it. But he and the majority leader have not been able to agree on which ones they are. Therefore, the objection must be made.

Mr. REID. I say to my friend, through the Chair, then are you saying that if I offer unanimous-consent on the Stop Stroke Act, the Mothers Act, ALS Registry, Downs Syndrome Support, Christopher Reeves, do these individually, that you will allow those to pass?

Mr. KYL. Mr. President, it is my understanding that there are eight bills on the list Senator COBURN has developed that do not need modification. There are three, at least, one of which was mentioned, the ALS Registry, that he believe need changes. I assume he and the majority leader have discussed that.

Mr. REID. So you say there are eight we can pass right now?

Mr. KYL. Mr. President, I think it is important, since I am speaking on behalf of another Senator, that staffs make sure what I have said is accurate. But my understanding is there are eight bills Senator COBURN has no objection to proceeding with. Obviously, he and the majority leader, you and he have been discussing how to put these together and get them done, but there may be changes necessary in the ALS Registry and Emmett Till Unresolved Civil Rights Crime Act, and the Protect Our Children.

Mr. REID. So what I say, if there are eight of them that we can pass, let's do it right now.

Mr. KYL. Well, I am speaking on behalf of someone else. I want to make sure what I have represented here is accurate. I am perfectly willing at this time to get the two staffs together to see if that can be done.

Mr. REID. I say respectfully, our staffs have spent, with his staff, unending hours. And I will be anxious to see, whenever he shows up, because it is always, when you get right down to it, you cannot do it. If there are eight we can do right now, let's do them right now; do them one at a time.

I will ask unanimous-consent. We will do them right now. The ones we cannot do, we will wait until next year when we get a new Congress and a new President. And the people who are sick and need this help will have to wait until we have a Congress that is willing to pass those.

Mr. KYL. Mr. President, in further clarifying with staff, we know there are some that could be cleared right now, at least three. There are others where someone else has posed an objection, and I do not know who that might be, or which side it is on.

But our staff indicates if the two staffs can get together, they think at least on some of these it can be resolved very quickly.

Mr. REID. We have gone in the last minutes—this is what I have dealt with—from eight to three. I will take the three. What are the three?

Mr. KYL. Mr. President, with all due respect, that is not fair to what I said. I am not in the middle of this. There are staff on both sides who have been working on these. My understanding is that Senator COBURN is not the sole objector with respect to some. There are three where he was the sole objector. He is willing to let them go.

I cannot speak to anyone else, to whatever objections might exist. But staff informs me they believe if we were to sit down and have the two staffs of the majority and minority work together, that perhaps up to eight of these bills could be cleared today.

Mr. REID. Mr. President, I say with all due respect to my friend, the junior Senator from Arizona, he is in the middle of this. Every Republican Senator is in the middle of this, because we could not move forward on these bills

previously. So you cannot—because someone is objecting, it does not mean that is grounds for your not being a part of it. People on the Republican side of the aisle voted overwhelmingly not to move forward. So I tell you what, Mr. President. I will be happy to take the suggestion of my friend from Arizona. In the next hour or so we will sit down, my staff—I do not know about Senator COBURN's staff, maybe they are in Oklahoma also. But we will be happy to sit down and work to get some of these bills passed, so I will return at a later time.

Mr. KYL. Would the majority leader indulge me one moment here? My staff has indicated there are four ready to go right now. I will read the title and then your staff will have those. One is the Prenatal Conditions Bill; another is the Child Pornography bill, that is S. 4136; another relates to Child Pornography, S. 4120; and then there is a House message accompanying S. 496. Apparently all four of those are ready to go. That is the Appalachian Development bill.

Mr. REID. We will take the first three. Let me think about this for a moment. Are these all Republican bills?

We will do them all, except for the Appalachian whatever it is.

Mr. KYL. If the majority leader wishes, I will ask unanimous-consent—

Mr. REID. And the language has not been changed in any way?

Mr. KYL. Let me combine the three then to make it simpler.

Mr. President, I ask unanimous-consent, since these are different committees—

Mr. REID. If I can interrupt my friend, there are a couple different versions of the bills floating around. On these three, which I am very happy to get done, we will make sure that the minority and majority staff agree it is the right piece of legislation so we do not make another mistake.

Mr. KYL. What we will do is have your staff confirm that this is, in fact, the version, and then either you or I or someone else can ask unanimous-consent to clear these three bills?

Mr. REID. We will wait for Senator COBURN's arrival.

Mr. KYL. That is certainly fine.

Mr. REID. Mr. President, you can now announce morning business.

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, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Maryland is recognized.