



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, THURSDAY, OCTOBER 15, 2009

No. 149

## Senate

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

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. James L. Merrell, retired Disciples of Christ journalist, serving as pastor of Trinity United Church of Christ, St. Louis, MO.

The guest Chaplain offered the following prayer:

Creator God, source of all things in heaven and on Earth, give wisdom and strength to those who seek. We come today with fresh anticipation. We assemble in this place where history is made, knowing that Your presence has guided those serving here so faithfully in challenging decades past. We give thanks that Your sure and merciful hand continues to uphold the life of our blessed Nation. We are grateful for the light and love You never fail to show to those who accept their calling as Senators. Now we would ask You to continue empowering this body to make decisions in keeping with Your purpose. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. 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, October 15, 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 E. 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.

Mr. REID. Madam President, under my leader time, I yield to Mr. LUGAR, the Senator from Indiana.

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

The Senator from Indiana.

### WELCOMING THE GUEST CHAPLAIN

Mr. LUGAR. Madam President, I thank the distinguished majority leader for the opportunity to thank my friend, Rev. James Merrell, for opening our session with prayer this morning. He has been a very dear friend from high school days onward. We attended Shortridge High School in Indianapolis, IN. He was 2 years older than I and was already well established with the Shortridge Daily Echo, a daily high school newspaper at Shortridge, writing for the Tuesday paper. I was grateful for the opportunity to write weekly for the Thursday paper. We shared experiences with the late Jean Grubb, a distinguished teacher of journalism at our school. Then likewise we were mentored by C.C. Shoemaker, the debate coach at Shortridge High School.

Jim proceeded on to distinguished honors at Indiana University and then

on to the Disciples of Christ Church in his ministry. He was most distinguished as the editor for many years of World Call and then established an additional paper at the Church of Christ on his own, The Disciple. He has been a pastor in St. Louis for many years. He has many mutual friends from Indianapolis.

I am delighted he could be a part of our session today. I greet Jim Merrell as a very dear friend, someone I respect as a clergyman, a writer, and debater. I am thankful to the Senate Chaplain for inviting him to be with us.

I thank the majority leader for yielding.

The ACTING PRESIDENT pro tempore. The majority leader.

### SCHEDULE

Mr. REID. Following leader remarks, there will be a period of morning business for 2 hours. Republicans will control the first hour and the majority will control the second hour. Following morning business, the Senate will resume consideration of the conference report to accompany H.R. 3183, which is the Energy and Water appropriations bill. We hope to reach agreement that would allow us to yield back postclosure time and vote on the conference report this afternoon. We are also working on an agreement to consider conference reports on the Homeland Security bill and the Defense authorization bill. Senators will be notified when any votes are scheduled.

### RECOGNITION OF THE MINORITY LEADER

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

### HEALTH CARE WEEK XIII, DAY III

Mr. McCONNELL. Madam President, from the very outset of the debate over

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



Printed on recycled paper.

health care, Americans have made it known that they support reform. But over the course of the past several months, Americans have come to realize that not all reforms are created equal.

And while they still support reform, very few of them support the specific proposals they have seen from Democrats in Washington. Americans want reform. But higher premiums, higher taxes, and cutting Medicare is not reform.

Somewhere along the way, the terms of the debate shifted.

At the outset, nobody expected that reform would lead to higher premiums. In fact, most people thought the whole point was to reduce costs, not raise them.

At the outset of this debate, nobody expected they would be paying higher taxes, particularly in the midst of the worst recession in generations. Yet that is what they are now being told, that middle class Americans will take the brunt of a whole slew of new taxes to pay for a trillion-dollar experiment with our health care system.

And at the outset of this debate, seniors had no idea they would be asked to help foot the bill for this massive experiment in government health care through cuts to Medicare. Yet that is precisely what they're now being told—that Medicare will be cut by half a trillion dollars, whether the 40 million seniors who depend on it like it or not.

Let us focus for a moment on those Medicare cuts.

For months, Americans have been hearing that if they like the health care plans they have, they will be able to keep them. Evidently, that pledge didn't apply to the millions of seniors currently enrolled in the popular Medicare Advantage program, because the Finance Committee bill explicitly calls for more than \$130 billion in cuts to Medicare Advantage, cuts that will undoubtedly alter the plans that more than 11 million seniors on Medicare Advantage now enjoy.

These cuts might lead to fewer benefits; or they might force seniors off their plans altogether. But under either scenario, seniors would no longer enjoy the plans they have and like. No one expected that at the outset of this debate.

And this is just a fraction of the Medicare cuts that the Finance Committee calls for as the cost of reform. Other cuts include more than \$120 billion in cuts to hospitals that care for seniors. The Kentucky Hospital Association warned earlier this year that these kinds of cuts would affect the services hospitals provide in my State. I am sure if my colleagues talked to doctors and hospitals back home, they would hear the same.

Then there is more than \$40 billion in cuts to home health agencies which give seniors the option of receiving care in their homes.

The bill also takes another \$15 billion in cuts to nursing home which care for

seniors who can no longer be cared for at home.

And then there is nearly \$8 billion in cuts to hospice care.

Nobody expected a free lunch when it came to health care reform. But no one expected this either. Americans are doing the cost-benefit analysis, and they don't think half a trillion dollars in cuts to Medicare is an acceptable tradeoff, especially since none of these cuts would do anything to strengthen and protect Medicare.

It would be one thing if Medicare reforms were used to ensure its solvency for future generations. But the proposals we have seen do nothing of the sort. Instead, they use Medicare as a piggy bank to create another government program that will undoubtedly face the same financial stresses that we see in Medicare and in just about every other entitlement program.

The President thought this was a bad idea on the campaign trail. It is still a bad idea today.

Americans know the dangers of holding off on Medicare reform. When Medicare Part A was created in 1965, it was projected to spend out \$9.1 billion on hospital services and related administration in 1990. As it turned out, costs that year were more than seven times the original estimates. Forty-four years after its creation, Medicare is already paying out more money than it is taking in. It is already committed to spend nearly \$40 trillion it doesn't have, and current forecasts indicate that Medicare will face bankruptcy in less than a decade.

It is time to restore this vital program for the sake of our seniors, not raid it to pay for a massive government-driven experiment that could make our health care worse.

The American people want reform. But higher premiums, higher taxes, and cutting Medicare, that is not reform. That is why they overwhelmingly oppose this proposal, and they shouldn't have to apologize for it. They should expect Congress to listen to them, and keep up the pressure until Congress listens.

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 2 hours, 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 the Republicans controlling the first hour and the majority controlling the final hour.

The Senator from Arizona.

#### HEALTH CARE REFORM

Mr. KYL. Madam President, I wish to take 10 minutes this morning to respond to some comments made by my friend from Illinois, my counterpart, the Democratic whip, comments made in response to Minority Leader MCCONNELL's remarks earlier this week.

Yesterday, Senator DURBIN made a couple of points. One I specifically want to focus on has to do with the national debt. Senator MCCONNELL had talked about the fact that spending by the Democrats, especially with regard to proposals for new health care legislation, was going to increase the national debt. The Senator from Illinois came back and said he agreed the debt is too high, but he said we need to understand that the reason it is too high is the Bush administration—that, in effect, President Obama inherited the debt. That is not exactly accurate. Here are the actual facts regarding the debt today. On Tuesday, 2 days ago, the Treasury Department reported that the deficit this past fiscal year totaled \$1.4 trillion. That is a figure higher than the previous 4 years combined. The previous 4 years were Bush years. Last year was primarily the Obama administration.

The Republican leader said:

Since January 20 of this year, the Federal Government has borrowed \$1.2 trillion or more than \$10,500 for every household in the United States.

What is the significance of January 20? That is the day President Obama was sworn in as President.

Under the President's budget that every Democrat voted for this year, we will have budget shortfalls or deficits averaging \$1 trillion each year for the next 10 years. We can't blame this on the Bush administration if spending was as much as the last 4 years combined and the budget shortfall is going to be \$1 trillion for the next 10 years. It was never \$1 trillion. It wasn't even half that much ever under President Bush.

Let me put this in perspective. The President's budget, supported by every Democrat, will double the national debt in 5 years, increasing it from \$5.8 trillion to \$11.7 trillion. It would almost triple the debt in 10 years. These are estimates from the Congressional Budget Office. By contrast, look at the last 219 years in the history of the country. From 1789 to 2008, Americans amassed a \$5.8 trillion national debt. In other words, in 5 years, this President will have a debt equal to all of the previous Presidents from George Washington all the way through George W. Bush. We cannot claim that is inherited from the past.

This President's deficit spending is not sustainable. By the end of the budget period, the debt will have skyrocketed to 82 percent of the gross domestic product, which everyone agrees, including the President's advisers, is not sustainable. Think about the interest payments. Think about your own credit card interest payments for interest payments on debt. These will soon