

market. That is why it is time to draw a line in the sand. It is time to reject these distractions and stand on the side of the American people.

That is what this debate is about. It is about individuals who send us to Washington to fight for their rights and defend their interests. It is about families who sit around the kitchen table in Illinois and across America. They open their pocketbooks and write larger and larger checks every month. They are wondering when we will have the courage to act on our convictions.

We must not delay another moment. If we fail to act, health care coverage will continue to increase in price and decline in quality. Let us rise to the challenge. Let us seize this moment. There is no doubt the Senate is the greatest deliberative body on the face of the planet. Throughout our history, contentious arguments such as this one have played out on the floor of this Chamber and the old Senate Chamber down the hall. The world knows this Senate can debate. But let it now show them we can also act. Let it show them we can take action.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PHYSICIAN FAIRNESS ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to Calendar No. 178, S. 1776 and, in the process, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 178, S. 1776, the Medicare Physician Fairness Act of 2009.

Harry Reid, Debbie Stabenow, Roland W. Burris, Patty Murray, Mark Udall, Mark Begich, Frank R. Lautenberg, Amy Klobuchar, Jack Reed, Carl Levin, Jeff Bingaman, Sherrod Brown, Sheldon Whitehouse, Barbara Boxer, Kirsten E. Gillibrand, Charles E. Schumer, Jeanne Shaheen, Richard J. Durbin.

Mr. REID. I ask unanimous consent that the cloture vote occur at 5:30 p.m., Monday, October 19, and that the mandatory quorum be waived; further that at 4:30 p.m. on Monday, there be 60 minutes of debate equally divided and controlled between the leaders or their designees prior to the 5:30 p.m. vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE, SCIENCE APPROPRIATIONS

Mr. SESSIONS. Mr. President, I join in support of the Vitter amendment, which would preclude any funding in the CJS appropriations bill being used for the 2010 census, if the census does not include a citizenship question. Under current law, the census does not even ask the question about whether individuals in the United States are citizens or not. They ask people how many bathrooms and children they have, all kinds of things, but they don't ask a citizenship question. Congressional apportionment in the U.S. House of Representatives is based on that total population count, including people illegally in this country. I think representation in Congress should be based on the number of legal residents, and it should not be increased because persons here illegally, not eligible to vote, happen to be in that State. That is a matter I hear a lot about from my constituents. They ask how this is possible. They are shocked that is what might be happening. The truth is, it does happen.

So I think Senator VITTER is raising a good question, and I believe his amendment is valid. Our next census will determine the reapportionment of the House of Representatives and Electoral College votes each State has.

The 2010 census form lacks the simple question: Are you a citizen of the United States of America? How accurate can we in Congress expect to be about the composition of our population if we do not ask that question, especially when some estimate there may be as many as 12 million people illegally in the country? Indeed, I think that probably is an accurate figure, so it has an impact. Calculations using some of the interim census data estimates are pretty dramatic and point out the real impacts of this policy.

Using the American Community Survey of the Census Bureau, their estimates for State population, including noncitizen and citizen populations, is instructive. The discrepancy in numbers for reapportionment using those different figures is significant. For example, States that might otherwise expect to gain or expect not to lose population, lose congressional seats, would do so if these numbers are counted. For example, Indiana, Iowa, Michigan, North Carolina, Oregon, Pennsylvania, South Carolina, and Louisiana—all of

those would be expected to stay the same or gain. And if illegals are counted, they will either not gain or lose seats.

So I think that is a pretty important issue. It is not something with which my State is directly involved. But having dealt with the immigration issue over some period of time, and trying to be informed about it, I hear a lot of people raising this fundamental question. I think it would be simple to fix constitutionally. We would simply say: Ask how many people are here legally and use that to be the basis of the apportionment of congressional seats, and not using people who are not here legally. It does not threaten people. It does not mean they will be arrested or anything like that or to be subject to deportation. It simply means when the numbers are all in, we will know how many U.S. residents exist in the various States, and from that number we will be able to apportion our House of Representatives and the Electoral College for the next Presidential election.

I think that is the right thing to do. We need to get away from this other process and urge the support of the Vitter amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

HEALTH CARE REFORM

Mr. LAUTENBERG. Mr. President, I rise to make some comments about the health care bill we are all anxious to see and discuss.

Everyone knows a principal focus of our attention now in the Senate is on the health care reform bill, and we expect a major debate on the precise structure of that bill over the next few weeks. But I want to, in that connection, start my remarks with a quotation from a statement given by the Senator from South Carolina. He said, on June 17, 2009:

If we're able to stop Obama on this, it will be his Waterloo. It will break him.

That is the Republican dominant view on health care reform. The mission is not to do better for the American people but, rather, to destroy the Presidency of Barack Obama. It is an unpleasant scene to witness.

Almost all Americans want to see us fix our health care system. I say "almost" because there is a group of people here who love the status quo: health insurance companies and their lobbyists and CEOs.

Everyone knows health care costs have skyrocketed, and that means everybody pays more. But when working people are under assault to pay more, it could cause a catastrophic confrontation with funds, with money for food and education and other ordinary but essential expenses for living.

America's small businesses are struggling to provide health care for their employees, and more people are less able to afford health care coverage. And while enormous pressure is placed on middle-income families, the largest health insurers are seeing massive profit growth.

Wendell Potter, an executive at CIGNA and some other health insurance companies over the last 20 years, has put it this way. He testified before the Senate Commerce Committee earlier this year, and he said the health insurance companies—and I quote him—“confuse their customers and dump the sick—all so they can satisfy their Wall Street investors.”

That single-minded drive for profits is clear from the numbers. Here is a chart I have in the Chamber showing part of the outrage. This chart demonstrates the massive profit increases at some of our largest health insurance companies. Just look at them. The years for comparison are the year 2000 and 2008.

In 2000, the company called WellPoint earned \$226 million worth of profit. That \$226 million had grown to \$2.5 billion at the end of 2008—an increase of 1,000 percent.

Aetna, one of the biggest: In 2000, they made \$127 million worth of profit. Eight years later, the \$127 million grew to \$1.4 billion—an increase of 990 percent.

Humana: In 2000, they earned \$90 million; in 2008, \$647 million—a modest gain, only 619 percent.

United Health—one of the largest—earned, in 2000, \$736 million; in 2008, \$3 billion, an increase of 304 percent.

Mr. President, we all know who paid the price for those profits: working-class Americans. This condition tells you what we have to be on the lookout for as we develop our plan.

Just as the health insurance industry profits have risen, obviously, so has the CEO compensation. If we look at what has taken place over a 3-year period for the five largest health care companies, the CEO pay has grown steadily, while workers' pay has barely moved. The average health care CEO, over the last 3 years, in these five companies, earned \$14.8 million. That was his—in this case—all his compensation. And the average worker's salary was \$44,200. Look at that comparison: \$14.8 million, while the average working person earned \$44,000. There is an injustice there that I think is quite obvious.

So we look at that and say: Well, what is happening here? A single health insurance CEO earns approximately 335 times that of the average worker in this country. It is absolutely ridiculous. It is scandalous—scandalous—when we think about the struggle people go through to keep their families healthy and, at the same time, take care of the bare needs for existence.

In New Jersey, for example, the largest health care insurer is Horizon Blue Cross Blue Shield. Last year, the CEO of that nonprofit, Mr. William Marino, made \$5.4 million—a nonprofit company. Although it is a company without profit, it certainly was pretty darn profitable for Mr. Marino.

Let me be clear. While health insurers and CEOs have made out like bandits, the industry has been increasing

premiums relentlessly. According to a new report from the Kaiser Family Foundation, insurance premiums for American families more than doubled during the last 10 years. We see it: three times faster than wages over the last 10 years. That is what has happened with health care.

Premiums, which now average more than \$13,000 a year, are the highest cost on record. The chart shows it very clearly, that this expanding premium cost has gone way beyond the average family to be able to afford to pay the rate.

If today's CEOs cared as much about the public's health as their own financial wealth, our system would not look this way. We are stuffing the greedy and starving the needy. That is the situation we are in.

It is time to reshape health care in this country once and for all. It is time to make the insurance industry accountable so that health insurance works for the people in our country. It is time to lift the curtain of despair so those without insurance can get it, and those who are in dread fear of losing it can stop worrying. It is time to say that in the richest Nation in the world, decent health care belongs to everyone in our country.

The reality is, we spend 1½ times more per person on health care than any other country, and yet even as we pour more and more money into health care, Americans' health has not improved.

Just take infant mortality. The infant mortality rate in the United States is a telling marker of how well a society delivers health care. Infant death rates in our country have been going up for the last 40 years. Now the United States has a higher infant mortality rate than 40 other countries in the world, including Cuba, Sweden, Taiwan, and most of Europe. By any metric, we are not delivering health care in our country fairly, fully, or efficiently, and the time for change is upon us.

Many in this Chamber have been working for decades to reform our system so children, the working poor, and the sick get the care they deserve. No one worked harder than my former seatmate and dear friend, Senator Edward M. Kennedy. Today we are on the verge of a sweeping overhaul. We are proud of Senator Kennedy for all the years he labored so hard.

This Senate and the President and the House must do the right thing for the health of America's working families. Surely these families and their children are as critical with their contributions to America's well-being as those profiteering from their sweat and toil.

This debate is about our commitment to the millions of Americans who work hard every day, pay taxes, care for their kids, but risk the chance of losing everything because of a single illness. We declare here and now that we will not allow exaggerated profits to breach

the primary obligation we have to all of our people to protect them from assault, whether from terror, natural disaster, or from the scourge of disease. In the wealthiest country in the world, no one should be left out and left behind because government won't respond to their cries for help.

I close with a reminder to those in this Chamber that our obligation far exceeds the attention it has gotten over the years; far exceeds any stretch of decency that we can muster; that we do something about it, that we show part of the shame we all feel when we look at millions of people who have no health insurance in this country while we see the compensation and the growth of these companies. I am a corporate person. I come from having run a very large corporation, one of the largest and one of the best in the country called ADP. It has over 240,000 employees. A couple of other fellows and I started that company. I took a look at the fellow who is now running that company. The company made over \$1.5 billion last year and his salary was \$1 million. He does a good job.

Some people here, largely on the other side—almost exclusively on the other side, except for one courageous Senator who stood up and said she is not going to let this go by without trying to do something serious about it—want to take the role of doctors and they want to write a prescription to do nothing but obstruct and say no. They want to say no to those looking to government for help and no to those desperately in need of health care. All they say is no, no, no. I summarize the Republican view and their health care mission. Theirs is a missile gone astray. Kill the Obama presidency with this Waterloo, regardless of the number of casualties among the citizenry. Their victory will be won with the political destruction of the Obama mission.

I say “no” is not the answer. It is time for us to act. I hope our colleagues in this Senate will look in the mirror and see how they would feel if a child suddenly comes up with a condition that is long lasting and that is hard to deal with. I have a granddaughter with diabetes. I have a grandson with asthma. Fortunately, they have good health care. I am able to afford to pay it. But there are lots of people in this country who can't. I would like one of these people on the other side to stand up with them face to face and say, no, I don't think we ought to help you. I don't think we can afford to help you. I don't think my colleagues with whom I have an industry connection would like it if I helped you.

Too bad. Too bad, I say. I hope we gain some sense and some visibility in this debate over the next several weeks.

With that, I yield the floor and note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR FALLEN HEROES

Mr. UDALL of New Mexico. Mr. President, I rise today to mourn the untimely deaths and celebrate the lives of two New Mexico heroes. One died just last week from injuries he sustained while serving his country in Afghanistan. The other was killed this past June in a helicopter crash after rescuing a stranded hiker lost on the Santa Fe Baldy Mountain.

Both men served their countries with distinction and honor. Both were raised in families with a strong tradition of public service. Both said "Choose me" when they were needed the most. Both paid the ultimate sacrifice. They are Army SFC Kenneth Westbrook and New Mexico State police sergeant Andrew Tingwall. I would like to tell you about them today.

Sergeant Westbrook's career in the military began more than 20 years ago after he graduated from Shiprock High School in northwest New Mexico. He married his childhood sweetheart, Charlene. Along the way, they had three children—Zachary, Joshua, and Joseph.

He served in the Persian Gulf war and did numerous other stints overseas in places such as Korea and Germany. He was a proud member of the Navajo Nation. He loved to hunt and fish, build model military vehicles, and was an expert chef and grill master.

His brother says Kenneth was looking forward to retiring from the military and spending more time with his family when he got the call for one more tour of duty—this time to Afghanistan. As much as he cherished the idea of spending more time with his family, Kenneth knew what he had to do: Of course, I will go, he said. Kenneth believed in the work being done in Afghanistan, his brother said. And if the Army needed him to complete that work, there was no question he would be there.

Kenneth was gravely wounded on September 8 when his unit was attacked by insurgents in Afghanistan. He was quickly flown to Walter Reed Army Medical Center for treatment. That is where I met his wife Charlene and other members of his family. That is where Sergeant Westbrook died from his injuries last week.

Military families are a special group of people. Every day they face sacrifices and challenges the average person can't imagine. They do it with grace and strength and an unwavering belief in the country they call home. That is what I saw the day I visited Charlene and Sergeant Westbrook's three boys. I saw a strength made even more striking when you realize this tragedy wasn't their first.

Four years earlier, almost to the day, another Sergeant Westbrook died. His older brother—SGT Marshall Alan Westbrook—was killed in Iraq when an improvised explosive device detonated near his humvee in Baghdad.

The Westbrooks have given more than most families. Their tight-knit family has paid the ultimate sacrifice, and for the Westbrooks, it happened not once but twice. As Americans, we often take for granted our freedoms, but we should never forget those whose sacrifice makes those freedoms possible.

Sergeant Westbrook will be laid to rest on Friday in Farmington, but he will forever live in the memory of New Mexicans.

This story of New Mexican heroism doesn't end there. I would also like to talk about New Mexico State Police SGT Andrew Tingwall, who was killed last June in a helicopter accident after rescuing a stranded, lost hiker. Sergeant Tingwall is being honored on Friday with a posthumous induction into the New Mexican Military Institute Alumni Association Hall of Fame, which I helped nominate him for. His honor is for Eminence in a Chosen Field. Similar to Sergeant Westbrook, Andy Tingwall's chosen field was service—service to his community, service to his State, and service to his country.

Known as "Ting" to his friends, Sergeant Tingwall graduated from the New Mexico Military Institute in Roswell in 1991 and joined the U.S. Marine Corps shortly after. During his military career, he became a jump-qualified reconnaissance marine and served with Delta Company's Fourth Reconnaissance Battalion. He continued his distinguished career as a New Mexico reservist from 1993 to 1995, when he joined the New Mexico State Police.

Eventually, he became lead instructor for the Training and Recruiting Division of the New Mexico Law Enforcement Academy before joining the New Mexico State Police aircraft section, where he became a pilot. Sergeant Tingwall proved his merit there, serving as chief pilot of the unit—the youngest man to ever have that title.

Sergeant Tingwall was known by his colleagues, friends, and family for his heroism and love of the sky, saving many lives in his time with the State police. In 2008, he was celebrated as Officer of the Year by the New Mexico Sheriffs and Police Association and would have received a Medal of Valor in June, but for Sergeant Tingwall, that day would never come.

Sergeant Tingwall was in the middle of saving the life of a stranded hiker on June 9 when tragedy struck. He and his spotter, Officer Wesley Cox, had located the stranded hiker and Sergeant Tingwall was transporting her to safety when the helicopter struck a mountainside and crashed.

After the crash, as he had throughout his career, Sergeant Tingwall put the

safety of others before his own. Despite being severely injured, he managed to pull the hiker from the wreckage before they both died from their injuries. Sergeant Tingwall was just 36 years old.

Duty, honor, country—three words you hear often when talking about those who commit themselves to a life of public service. Sergeants Westbrook and Tingwall personified those words, both in the way they lived their lives and in the way those lives ultimately ended.

New Mexico is proud to honor these true American heroes. To their families, we say thank you and ask them to accept the thanks of a grateful State and a grateful nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 1789 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE FEDERAL DEBT

Mr. DURBIN. Madam President, we have had an ongoing debate on the floor about health care reform, its cost, whether it is going to add to the deficit. We had an exchange yesterday or the day before with Senator MCCONNELL, the Republican leader. We talked a little bit about the debt America faces and how this debt came about.

Senator KYL, my Republican counterpart, Republican whip from Arizona and a friend of mine, came to the floor and carried on this dialog and debate. When you consider the Senate Chamber is supposed to be about debate, it is all good that he would do that. But I do want to take exception to a couple of things my friend Senator KYL said.

Let me say at the outset, between 1998 and 2000, under President Clinton, our Nation ran a fiscal surplus. It is hard for many people now, when they look at a multi-trillion-dollar deficit, to imagine just a few years back we did have a surplus. We actually reduced the Federal debt in those 2 years by \$236 billion, our economy was doing well, creating jobs and businesses. That is what President George W. Bush inherited when he came to office.

Between 2001 and 2009, when President George W. Bush was in office, the economy grew. Normally you would think this period of economic growth would lead to an improved fiscal picture since tax receipts for government usually grow with the economy. Instead, under President Bush our Nation