



United States  
of America

# Congressional Record

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

Vol. 155

WASHINGTON, TUESDAY, NOVEMBER 17, 2009

No. 170

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

### PRAYER

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

Eternal God, source of our strength, we come before You today remembering that Your presence and power sustain us during life's rigorous demands. Lord, it is comforting to know that in every situation You are always present to empower us with Your love.

Today, use our lawmakers as instruments of Your peace and love. Examine their hearts and minds, providing them with the courage to walk continually in Your truth. Look favorably upon their efforts to build a better nation and world, guiding them with Your wisdom.

Lord, lead our Nation also. May our efforts at home and abroad reflect Your character and grace.

We pray in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
WASHINGTON, DC, NOVEMBER 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 ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,  
*President pro tempore.*

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, pending the arrival of the majority leader, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, I apologize to my counterpart, the distinguished Senator from Kentucky, for not being here, but I was occupied outside the Chamber.

Mr. President, following leader remarks, there will be a period for morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of H.R. 3082, the Military Construction-Veterans Affairs appropriations bill. Several amendments are still in order to the bill. We expect a vote for up to three of those amendments prior to lunch. Following the recess, we will have a number of votes we have to

take. It is important that we do that. The Senate will recess from 12:30 to 2:15 for the weekly party caucuses, but following the recess the Senate will proceed to vote in relation to the Inhofe amendment, No. 2774, to be followed by a vote on passage of the bill, as amended.

Upon disposition of H.R. 3082, there will be 1 hour of debate prior to a closure vote on the nomination of David Hamilton to be U.S. circuit judge for the Seventh Circuit.

### RECOGNITION OF THE MINORITY LEADER

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

### HEALTH CARE REFORM

Mr. McCONNELL. Mr. President, we know the House-passed health care bill will cut Medicare, raise taxes, and raise premiums. We also know the bill being developed by the majority leader will do the same. This morning, I want to focus on the \$1/2 trillion cuts in Medicare—\$1/2 trillion over 10 years.

We have here the House-passed health care bill in its entirety. This is a 2,000-page, as the Wall Street Journal called it, “monstrosity.” In the area of the Medicare cuts, what does that mean? When you say you are going to cut Medicare by \$1/2 trillion over 10 years, what does it mean? It means cuts to hospitals, cuts to Medicare Advantage, cuts to nursing homes, cuts to home health care, and cuts to hospice. Those vital programs would be collectively subjected to \$1/2 trillion in cuts over 10 years.

Focusing on hospice, this is the section of the bill that deals with hospice. The legalese is a little bit mind-boggling, but to give you a sense of how these things are written, it says, “Sub-clause (VII) of section”—and it goes on: . . . 1814(i)(1)(c)(ii) of the Social Security Act . . . is amended by inserting after “the

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



Printed on recycled paper.

market basket percentage increase" the following: "(which is subject to the productivity adjustment . . . ."

Described in another section.

You would have to be steeped in legalese and minutia to understand what that means, so I am going to interpret it for our colleagues so they will know what that means. It means an \$8 billion cut to hospice. That is what that language means, an \$8 billion cut to hospice.

What does that mean for seniors? According to Victoria Scarborough, who is a nurse in Danville, KY, it means sacrificing patient care. Here is what she had to say about the prospect of an \$8 billion cut to hospice:

We are able to do this—provide excellent health care at low cost—because we are present at the bedside with the patient, sitting at the kitchen table, holding a spouse's hand. We depend upon our highly skilled personnel; our "services" are our people. For hospices the productivity adjustment makes little sense, we need our people.

That illustrates the impact of an \$8 billion cut in hospice.

On the chart behind me, I mention the other areas that are being cut: hospitals, Medicare Advantage, nursing homes, home health, and hospice, which I just described.

Another cut would be to Medicare Advantage. The section of the bill—this is the front page—dealing with the Medicare Advantage reforms, they are called, says "Phase-In Of Payment Based On Fee-For-Service Costs." What does that mean? What does "Phase-In Of Payment Based On Fee-For-Service Costs" mean? It means that \$236 billion in cuts to Medicare will occur—\$236 billion in this program out here, Medicare Advantage, that will occur as a result of this bill. What does that mean, the \$236 billion of cuts to Medicare Advantage? The Congressional Budget Office has said it means fewer benefits for seniors. That is the Congressional Budget Office that says it means fewer benefits for seniors.

Norma Hylton of Lexington, KY, recently wrote:

Mr. Obama says he'll take away the Medicare Advantage plans. . . . This makes us very concerned about the healthcare plans being debated. I truly believe all seniors (maybe others) will suffer.

We know the overall bill raises taxes, raises health insurance premiums for the 85 percent of Americans who already have health insurance, and cuts Medicare by \$1/2 trillion. This morning, what I tried to do is point out what some of those cuts mean; what taking \$8 billion out of hospice means, this important program dealing with folks who are at the end of life; and what taking \$236 billion out of Medicare Advantage means, as a practical matter, to constituents in my State and across the country.

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, there will be 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 the majority controlling the first half and the Republicans controlling the second half.

The Senator from Illinois is recognized.

#### HEALTH CARE REFORM

Mr. DURBIN. Mr. President, the Republican leader just came to the floor, as he has with regularity, to speak to the issue of health care reform. We are all addressing it because it is a major issue we are facing in this Congress, a major opportunity for this country to deal with a health care system that needs to be fixed. There are parts of it that are very strong but parts of it that need to be fixed.

The cost of health care today in America is going up so fast that it is outstripping the ability of individuals and businesses to buy health insurance coverage. We have seen the cost of premiums go up three times faster than wages. The story is obvious. For most workers across America, the choice each year is take-home pay or increased costs for health insurance, and they understand it is unsustainable.

Just 10 years ago, the cost of a health insurance plan for a family of four was \$6,000. This year, it is \$12,000, on average. Ten years from now, it will be \$24,000. To think that 10 years from now people will have to work to earn \$2,000 a month just to pay for the health care for a small family tells you we have to make a change.

The Senator from Kentucky on the Republican side came to the floor to criticize not the Senate bill but the House bill. I would say to the Senator from Kentucky, in all fairness, let's address the Senate bill which will be reported this week. It has literally been reviewed by the Congressional Budget Office for the last 3 or 4 weeks, and it will come out this week and be posted on the Internet for everyone to read in its entirety. At that point, I think the criticisms leveled by the Senator from Kentucky will be put in context. Let's look at the Senate bill.

I would also like to stand here and wave before you a copy of the Republican bill on health care reform, but it does not exist. There is no Republican alternative to health care reform. They are satisfied with the current system. They want to keep the status quo. Like the health insurance companies, they are happy with what exists. But most Americans, and certainly those I represent in Illinois, know better. They know we are at a distinct disadvantage when it comes to health care if we have to rely on health insurance companies for permission for coverage because

they are going to say no. Repeatedly, they say no. They deny you coverage when you need it the most, because of a preexisting condition. They deny you coverage because they say it costs too much. They deny you coverage because they don't want to cover a certain drug and they want to challenge you to fight them and appeal that decision. They deny coverage when you decide to change a job or lose a job. They deny coverage when a child reaches the age of 23 and is so-called emancipated and on his own. That is the existing system which the Republicans are supporting. They can support it if they wish, but most Americans do not. Most Americans want to see real health care reform.

Let's spend a moment speaking about Medicare, which the Senator from Kentucky addressed. Our goal is not only to preserve Medicare. As a political party, it was Democrats who created Medicare. It was Republicans who called it socialized medicine and opposed it. Over the years, they have tried to trim back on Medicare benefits, to reduce coverage and turn Medicare over to private insurers. That effort was called Medicare Advantage. When private health insurance companies came before Congress and said: We can do a better job than the government, we can offer Medicare coverage at a lower cost and do it more efficiently because we are the private sector, Republicans accepted that premise and tried to take away Medicare coverage from the government and offer it to private health insurance companies.

What happened? Some private health insurance companies did do it at a lower cost but not all of them. In fact, when it was all said and done, Medicare Advantage, this so-called private rescue of the Medicare Program, ended up costing 14 percent more than the Medicare Program itself. In other words, the Medicare Program was subsidizing private health insurance companies that couldn't keep their promise to deliver Medicare at a lower cost.

The Senator from Kentucky comes to the Chamber to defend those private health insurance companies, defend the subsidy they receive at the expense of Medicare. That is unacceptable and indefensible. Medicare offers the basic plan most Americans trust when they reach the age of 65. We are going to find a way to make sure we put Medicare on sound footing. The future of Medicare is in doubt if we don't deal with the underlying problems in our health care system today.

The Senator from Kentucky and his Republican side have no alternative. They are not offering health care reform or change. They are standing with the health insurance companies, defending Medicare Advantage, which enjoys this healthy subsidy from the Federal Government, and, frankly, not supporting our efforts to bring real reform to health insurance.

I can tell my colleagues the Medicare provisions in the House bill referred to