

downsides and dangers from doing so. I have not heard of any benefit to us of bringing these terrorists here.

In his testimony before the Judiciary Committee today, the Attorney General has the opportunity to explain the administration's decision—something he has yet to do before the Senate.

#### HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, at a time when unemployment is at a 25-year high and with a Federal deficit breaking the \$12 trillion mark, the House of Representatives passed a health care bill that raises taxes more than \$700 billion. This is the House-passed health care bill on this desk. I expect the Senate version, which may be produced today, will be of similar size.

Who gets taxed under the House-passed bill? Let's take a look.

At the top of the list is small business. A small business surtax in the bill takes \$150 billion out of our job creators. That is on page 344 of this massive 2,000-page House bill. We all know small businesses are the biggest job generators in the country. They employ well over half of those who have employment in our country.

Second, we have an employer tax. The employer tax raises \$135 billion in taxes through a new mandate on employers. That is on page 281 of this massive 2,000-page bill. The NFIB, the National Federation of Independent Business, which represents small business, estimates that mandate would cost about 1.6 million jobs. That is a 1.6 million job-killing tax at a time when the national unemployment rate is 10.2 percent.

Insured Americans, item No. 4 on this chart—let's look at the tax on insured Americans. Billions of new taxes to pay for comparative effectiveness research rationing in this 2,000-page bill. That is on page 1179, a tax on those who are insured.

Then we have attacks on those who are uninsured, item 3 on the chart. They get taxed as well, a 2.5-percent income tax on the uninsured. That is on page 303 of this roughly 2,000-page bill.

Medical devices, upon which those who are sick depend heavily, will also be taxed. People needing lifesaving medical devices will also receive a tax increase, on page 347 of this massive 2,000-page bill. There will be a \$20 billion tax on medical devices. Of course, that will be passed straight on to the consumers. So that will, in effect, be a tax on those Americans who are sick and who need medical devices.

There is also a tax on the chronically ill. On page 332 of this 2,000-page effort to restructure the American health care system, we find flexible spending accounts would be capped at \$2,500 and phased out over time. How does that affect the chronically ill? As a result, tens of millions of families, many of whom are managing chronic illnesses, will see billions in tax-saving benefits

from these FSAs wiped out, right here on page 332 of this 2,000-page bill.

What does all this mean to small business? David Boland is the manager at Boland Maloney Lumber, Louisville. He wrote to my office to say what it means:

Health care reform that does nothing to control costs—

And we already know from CBO and from the actuaries that the Health and Human Services bill does not control costs—

but merely increases the burden on small businesses through mandates and tax hikes is a dangerous and risky proposition that will imperil my company and our national recovery.

Don't take it from me; listen to David Boland. He gets it. He knows that slashing Medicare, increasing premiums, and raising taxes in a recession is not reform.

It was actually a front-page story in the Washington Post this morning, a company in Louisville that kind of underscores what I am talking about. The front-page story in today's Washington Post describes the ongoing struggles of a small manufacturer in my hometown of Louisville who is fighting to save jobs. This business owner wants to be more productive so he can hold onto his workers. But all of these crushing taxes, many of which would apply to his company, are simply not going to be helpful.

Finally, yesterday I spoke about Medicare cuts, the massive Medicare cuts in this bill we are shortly going to be considering. It is important to remember that Senate Democrats recently tried to pass a so-called doc fix that would have forced seniors to pay higher premiums on top of \$1/2 trillion they want to cut from Medicare. Fortunately, this bill was rejected by a wide bipartisan majority. While we all think this problem needs to be addressed, this is not the way to do it. I am confident that should a similar bill pass the House later this week, we will reject it again on a bipartisan basis.

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, with the Senator from West Virginia recognized to speak first and the next hour under the control of the majority leader or his designee and the next hour under the control of the Republican leader or his designee, with Senators, after Senator ROCKEFELLER, permitted to speak for up to 10 minutes.

The Senator from West Virginia is recognized.

#### CONGRATULATING SENATOR ROBERT C. BYRD

Mr. ROCKEFELLER. Mr. President, I could not be prouder to rise today to congratulate a public servant without any peer at all, that being Senator ROBERT C. BYRD of West Virginia. On this actually very momentous day, November 18, 2009, my dear friend and colleague becomes the longest serving Member of Congress in the history of this Nation. On Friday, he will also celebrate a warm and joyous birthday.

Senator BYRD passes the incredible Carl Hayden of Arizona who served honorably in the House and then the Senate for 56 years, 319 days. We come together today as an institution to recognize that no Senator in history has cast more votes or has been elected by his colleagues to more leadership positions than ROBERT C. BYRD, no one else—a sign of the enormous warmth and tremendous respect and the unwavering admiration we all share for Senator ROBERT C. BYRD.

I am lucky every day to call Senator BYRD my friend, as I have been able to work with him in the Senate for the last 25 years and for the preceding 8 years when I was a Governor. But most importantly and most powerfully, Senator BYRD always makes me so very proud to be a West Virginian.

At our State capitol in Charleston, they are honoring Senator BYRD with a special celebration today. The same is happening in small towns, cities and communities all across our State. My fellow West Virginians are giving thanks for Senator BYRD's voice and for his vision. We are grateful for his strength and his rock-solid principle, which over the years has come to define West Virginia as surely as our endless hills and beautiful streams.

The people of my State love and respect Senator ROBERT C. BYRD, in part because so many share his very powerful story. So many have battled against the odds and continue to fight every day to try to make a better life for themselves and for their community. They are proud of their State, even knowing their State is not known by many, but they take pride in their unity.

Senator BYRD learned early in life what it meant to be loyal, have a strong work ethic, and possess an untiring faith in God. And it was these values these innately West Virginia values that guided his every action, and made him such a strong fighter for our State. Even in the hardest, youngest days of his life, Senator ROBERT C. BYRD never grew discouraged. It was not his nature. Growing up, he faced enormous challenges, but he had something called an iron will and he had a sense of purpose.

Now years later, we can sum up that purpose with the phrase "fighting for West Virginia." It has always rung true, whether it is his 50th birthday or, in fact, his 92nd birthday. Whether he was a freshman in the House or the Senate's longest serving Member, it

has never changed with ROBERT C. BYRD. His fight for West Virginia is fundamental to his world, which is West Virginia's world. It is in his blood. It is a sacred cause.

It is not just the building of roads, that which is so often associated with Senator BYRD—and to be sure, those roads have transformed our State and connected us with other parts of the Nation and to each other—but so much more. When you pick up a local newspaper, always some institution, some college, some volunteer fire department, some research institute at a university or college has been helped by Senator BYRD. It is his job, but it is also his very special honor at which he excels because of his love for West Virginia.

Ultimately, it is work: it is simply hard work, and ROBERT BYRD never shied away from it for the people of West Virginia, for the Constitution and, yes for this institution, the Senate and its special place in our government and our Nation.

This week, I think of the many birthdays past that he has shared with many of us and with his precious wife Erma, his partner in everything, who gave him the great strength and great faith to reach great heights. It was a little sad to me—and I think to all of us who know him—the cost to him of her death. He changed just a little bit in ways that are hard to explain but ways which are very deep within his soul because he loved and depended on her so much. And I know that as we mark this tremendous milestone today, she is with us with great joy in her heart.

Please allow me to take this special moment to thank my beloved friend and congratulate him on this profound day in the whole history of the Senate, which truly sets him apart from all the rest. I am delighted to celebrate such an incredible milestone.

I wish him a wonderful birthday, many years of service, and all the happiness in the world. But most of all, I thank him for what matters the most to me, and that is his profound service to the people of the State of West Virginia.

For more than half a century, West Virginia has had in ROBERT C. BYRD a great man leading us in our greatest battles. And for that, we are truly blessed.

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

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

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. 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.

Mrs. SHAHEEN. Mr. President, I rise this morning, along with a group of my colleagues who will be here, to talk about the importance of addressing

health care reform to help small businesses. Senator LANDRIEU is leading this effort, and she is going to be coordinating the speakers this morning.

Mr. President, before I begin, I want to thank Senator ROCKEFELLER for his eloquent comments about Senator BYRD. My family lived in West Virginia for about 30 years and truly appreciated the difference Senator BYRD made for the State, and I am very honored to be able to serve with him, even for a very brief time. So I say to Senator ROCKEFELLER, thank you very much for those comments.

#### HEALTH CARE REFORM

Mrs. SHAHEEN. Mr. President, as the former owner and manager of a small retail business, I know very personally what it is like to worry about meeting the payroll, about whether you can pay for the inventory to keep your business going, about complying with the myriad of regulations you have to comply with.

As a former Governor, I certainly understand it is business and not government that creates jobs and drives new ideas and innovation. But I also know that government has a vital role to play in addressing the challenges businesses and small businesses face, especially in these very difficult economic times. One of those challenges small businesses are struggling with is the high cost of health care.

In New Hampshire, between 2002 and 2006, small businesses paid 42 percent more in premiums for health insurance for their employees; and for our smallest businesses, those with fewer than 10 employees, the increase was almost double that—a 71-percent increase in the cost of premiums.

So what does that mean for the small businesses and their employees who want health care? It means small businesses have to make the tough decision to either drop coverage for their workers or to increase the employee contributions, often to the point where their workers cannot afford coverage.

Everywhere I go in New Hampshire, I hear from small business owners who tell me about these tough decisions they face. I heard this concern from Adria Bagshaw who testified this summer at a Small Business Committee field hearing Senator SNOWE and I did in Portsmouth, NH. Adria and her husband Aaron own the W.H. Bagshaw Company, a fifth-generation family manufacturing company in Nashua, NH. They offer health insurance to their 18 employees and cover a portion of the monthly premium for them. But with those premiums at \$1,100 per month per family, they spent more on health insurance for the first half of this year than they spent on the raw materials they need to make their products at their manufacturing company. Understandably, Adria worries they are going to need to cut back on the quality of health insurance plans they offer their employees or the

amount the company covers to help pay for those premiums.

I have also heard from people such as Chick Colony who is a small business owner in Harrisville, NH. He has a wonderful weaving company that has been in Harrisville for generations. He emailed me, saying:

The cost of health insurance is the biggest problem that our small . . . business faces.

They have 24 employees. He went on to say:

The present system is expensive, inefficient and broken. I can't tell you how the 20 to 35 percent annual rate increases depress us all and there is no end in sight. Over the past five years, most of our employees have had to drop coverage because they simply can't afford to pay their share of the premium. I really believe that the time has come to put the existing system out of its misery.

Certainly we hope we can do that.

I have also heard from Kevin Boyarsky, who is an owner of a small printing company in Concord. He told me:

Health insurance premiums have gone up 30 percent last year and 22 percent the year before. It's now a very big item in our company's budget. We want to grow and be competitive, but the high costs make it hard. From a small business perspective, I can't attract employees without good coverage, but if I hire you now, I'll only be able to offer you 50 percent of the individual plan. It's all I can afford and it isn't very attractive to employees.

Small businesses in New Hampshire and across the country are burdened by high premiums for health insurance. In fact, statistics show us that small businesses pay, on average, 18 percent more than large plans for the same insurance policy. And for small businesses that do not offer their employees health insurance, they cite the high cost of premiums as the reason why.

We need comprehensive health reform to help these small businesses. The small business owners I have spoken with want to offer insurance to their employees, both because they believe it is not only the right thing to do, but it is critical to being competitive, to recruiting and retaining good employees. But as they so often tell me, the high cost of insurance stands in their way.

Health reform is critical to these folks. We can help them by passing comprehensive insurance reforms that rein in health care premiums, so it stabilizes costs, and provide tax credits to small businesses to help them afford the cost of health insurance. I believe we must take these measures to help level the playing field for small businesses and to make insurance premiums more affordable.

Small businesses are the backbone of our economy. That is where most of the jobs in this country are created. We have to control health care costs to relieve the financial burden, so that so many of these small businesses in New Hampshire and across the country no longer have to face the choice of whether they can keep health insurance or hire employees.