



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, TUESDAY, JUNE 2, 2009

No. 81

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:

Let us pray.

Eternal Father, we thank You for another day with its fresh promise, its opportunities and duties. As our bodies are renewed, so give strength to our minds and hearts to glorify You in our lives.

Be near our Senators as they labor. For their added burdens, give them increased strength. Lord, to all who serve in the government, provide a full measure of grace and wisdom that all things may be ordered according to Your will. Help our lawmakers to be faithful and obedient to Your vision for our Nation as You keep them from becoming weary in their pursuit of Your purposes.

We pray in Your loving 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, June 2, 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 majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 11 a.m., with the time equally divided between the two leaders or their designees and with Senators permitted to speak for up to 10 minutes each. At 11 a.m., the Senate will turn to executive session and immediately proceed to vote on confirmation of Regina McCarthy to be an Assistant Administrator of the Environmental Protection Agency. It is expected that will be a voice vote, but we will have to wait and see.

Upon disposition of the nomination, the Senate will resume legislative session and proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Therefore, Senators should expect at least one rollcall vote to begin at 11 a.m. The Senate will recess from 12:30 until 2:15 today to allow for the weekly caucus luncheons.

Mr. President, I note 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. McCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. McCONNELL. Mr. President, yesterday I noted that all of us wish to reform health care but that we need to do so without sacrificing what Americans like about our current system. They like the freedom, they like the choice, they like the quality of care, they like the options, and they like the efficiency. I also noted that the kind of government takeover of health care that some of our Democratic friends are contemplating could lead to a decline in every one of those things. This morning, I wish to explain in a little greater detail how it could happen.

The first point I wish to make is that the very concept of a government option is itself misleading. What starts out as an option could quickly become the only option. This is clear to anyone who realizes that, unlike market-based health plans, any government-run plan would have unlimited access to taxpayer money and could use that money to subsidize the cost of services, and artificially lower prices would make the government-run plan more attractive to individuals and businesses. Some say this could be avoided by creating "safeguards" to ensure a level playing field for the market-based insurers and a government plan. But no safeguard could create a truly level playing field, and any safeguard could easily be eliminated once a government plan is enacted. A government plan would also be able to operate at a loss—a loss the taxpayers would have to cover one way or another.

Government could also keep health care costs artificially low by paying providers less than private insurers do, just as it already does with both Medicare and Medicaid. At first blush, that

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



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may actually sound appealing, but as we know, there is no such thing as a free lunch. Let me explain.

Right now, doctors and hospitals make up the difference between what a procedure costs and what the government is willing to pay for it by passing those costs on to private insurers. But doctors and hospitals would likely get even less under a new government health plan, so they would shift even more costs on to private insurers, who would then raise rates for individuals and businesses even higher than they were before. Once these higher rates take effect, employers would be all but certain to start encouraging workers to enroll in the government-run plan.

As a result of all of this, it is easy to see how private market health plans would become more and more expensive and thus less and less affordable and accessible. At some point, private health plans would likely be crowded out altogether, and government care would be the only option left. That is where the delays and the denied care would begin to kick in. Under a government system, Americans would have no choice but to accept all the bureaucratic hassles and the endless time spent on hold waiting for a government service representative to take their calls. They would also have to deal with all of the restrictions of care that inevitably follow. What is being advertised as an option will eventually lead to delays—delays in testing, delays in diagnosis, and delays in treatment.

So the question Americans need to ask themselves is whether this is the reform they really want. Do we really want a government takeover of health care, because that is what a so-called government option would lead to in very short order. Americans need to realize that when someone says “government option,” what could really occur is a government takeover that soon could lead to government bureaucrats denying and delaying care and telling Americans what kind of care they can have.

The irony in all of this is that as a result of a government takeover of health care, the private plans tens of millions of Americans currently enjoy will eventually only be available to just a very few wealthy Americans—to those who are able to pay for more health care than they currently have and like. According to a recent study, 119 million Americans would lose the private coverage they currently have as a consequence of a government plan. The best options would only remain available to a select few.

Over the last few months, we have seen government getting involved in virtually every aspect of our economy. Washington is suddenly running the banks and the auto companies. Now it is thinking about running America's health care. The results, I am afraid, would not lead to the kinds of reforms Americans really want in their health care. Instead, it would lead to a system that most Americans would deeply regret.

Mr. President, 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 now be a period for the transaction of morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 97, the nomination of Hillary Chandler Tompkins to be Solicitor of the Department of the Interior; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that no further motions be in order; that any statements related to the nomination be printed in the RECORD; that upon confirmation, the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, and I will have to object, I would just say to my friend from New Mexico, we have not been able to get that nomination cleared yet on this side, but we will be consulting with the Republican colleagues and at some point let him know whether it is possible to go forward. Therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BINGAMAN. Mr. President, let me briefly describe the circumstances that caused me to make this unanimous-consent request. I am obviously disappointed there has been an objection raised to the confirmation of Ms. Tompkins. I am advised that one or more Republican Members have placed an anonymous hold on her nomination.

The Solicitor of the Department of the Interior—the office to which the President has nominated Ms. Tompkins—is one of the most important posts in the Department of the Interior and one of the most important legal positions in our government. The Department of the Interior has broad authority over the administration and care of our public lands and natural resources. Its many offices and bureaus face daily a broad range of legal issues requiring special expertise in public land law, mining law, water rights law,

Indian law, and wildlife law. The Solicitor is the Department's general counsel. She is solely responsible for the legal work of the Department. By law, all the legal work of the Department is performed under the supervision and direction of the Solicitor. She is responsible for the interpretation and application of the legal authority affecting all of the actions taken under the Department of the Interior's programs and operations.

The job requires a deep knowledge of the law, professional experience, and sound judgment. In my view, the President has nominated such a person—a person with demonstrated ability and stature in this field in the person of Hillary Tompkins. She earned a law degree at Stanford University Law School in 1996. She served as a trial attorney in the Environment and Natural Resources Division of the Department of Justice, as a special Assistant U.S. Attorney in Brooklyn, as an associate in Sonosky Chambers, one of the Nation's leading law firms specializing in Native American law, as chief counsel to the Governor of New Mexico, and as an adjunct law professor at the University of New Mexico Law School.

As chief counsel to Governor Bill Richardson, Ms. Tompkins demonstrated her ability to lead and manage a team of lawyers, to oversee the general counsels of multiple agencies, and to render sound legal advice and counsel.

She will bring to the Solicitor's office considerable expertise in the areas of environmental, natural resources, water, and Indian law, as well as experience in the areas of constitutional law, administrative law, and the legislative process.

In addition, Ms. Tompkins has a compelling personal story. She was born on the Navajo reservation, and although she was raised in New Jersey, she has not lost touch with her Navajo heritage. If confirmed, she will be the first Native American, and only the second woman, to hold the office of Solicitor.

It is unclear to me why anyone would object to confirming Ms. Tompkins. She is clearly well qualified for the position. At her hearing in April and in the weeks since then, Senators on the other side of the aisle have expressed their concerns about departmental policies, over which Ms. Tompkins has had no control and no responsibility. Secretary Salazar has bent over backwards to address those concerns, and it is my understanding all of those concerns now have been addressed.

In any event, Senators had chosen to place holds on David Hayes's nomination to be the Deputy Secretary of the Interior, rather than on Ms. Tompkins' nomination, pending resolution of their concerns. The holds on Mr. Hayes's nomination were lifted before the recess, and he and all of the other Department of the Interior nominees have now been confirmed. Only Ms. Tompkins' nomination is still being blocked.

Many of the most pressing problems facing the Department of the Interior