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

Let us pray.

O Lord of our pilgrim years, the day returns and brings us the round of its concerns and duties.

As our Senators serve You and country, make them aware that their attitudes, words, and actions influence the structure of events and human relationships around our Nation and world. Help these representatives of freedom to master themselves that they may be the servants of others. In these times of strain, keep them from magnifying the slights and stings that are a part of the legislative process. Give them pure hearts and a passion to serve the American people with integrity and honor.

Lord, today, we commit to You all that we have and are to realize Your best for this Nation and world.

We pray in Your strong Name. 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, July 30, 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.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for an hour. Senators will be permitted to speak for 10 minutes each. Under an agreement reached last night, we are going to turn to the consideration of H.R. 3357, the highway trust fund legislation, among others things. Rollcall votes are expected to occur throughout the day.

The Senate will recess from 2 p.m. to 3 p.m. to allow for a Members-only briefing with Secretary Clinton and Secretary Gates, who both just returned from overseas—the Secretary of State and the Secretary of Defense.

I have not had an opportunity to speak to the Republican leader today, but we will probably have the four votes after the briefing we will have with the two Secretaries. We will stack them, and we should be able to complete all the debate at that time. The legislation has not yet arrived from the House, but I think it will be here in the next half hour or so.

### 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 of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Madam President, I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam 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.

### HEALTH CARE WEEK VIII, DAY IV

Mr. MCCONNELL. Madam President, the American people are making their voices heard in the debate over health care. One of the things they are demanding is that we do something to lower costs. This is why the proponents of a government takeover never fail to mention lowering costs as one of their primary goals. Yet, more and more, Americans are beginning to ask themselves a very simple question: How can more government lead to lower costs?

They look at Medicare, a government-run health care program that's nearly bankrupt, and they don't understand how an even bigger, more complicated government-run health plan won't end up in the same condition—and they certainly don't understand why the administration would propose cutting hundreds of billions of dollars from Medicare to help pay for this massive new government-run plan.

Yet, this is precisely what some are proposing: that we use Medicare as a

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



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piggy bank to pay a significant portion of the administration's plan for health care reform. Well, in my view, it's a terrible idea, and on the 44th anniversary of this vital program that roughly 40 million Americans rely on each day, I think it is important to explain why.

Here is how one of the proposed cuts would work. Right now, if a senior citizen on Medicare needs surgery, his or her hospital stay will likely be covered by Medicare. And because health care costs go up each year, Medicare provides for annual increases that ensure that hospitals and other providers are able to keep pace with inflation.

What the administration and some Democrats in Congress are now proposing is that we reduce or even eliminate this annual increase—thus, cutting the amount of money we spend on Medicare, a drastic measure that could have a serious impact on our hospitals and the communities and patients they serve.

It would be one thing if these cuts were being proposed as a way of strengthening Medicare. The simple fact is that Medicare faces significant challenges that must be addressed. When Medicare Part A—the program that pays for hospital stays—was enacted, 44 years ago today, it was projected that in 1990 this program would spend \$9.1 billion on hospital services and related administration. As it turned out, spending in 1990 totaled almost \$67 billion—or more than seven times the original prediction. These exploding costs have taken a toll on the program's bottom line. Today, Medicare is already spending more than it is taking in, and it is expected to be insolvent in just 8 years. Unfortunately, the administration plans to use Medicare cuts in order to fund yet another new government program.

America's seniors don't want politicians in Washington tampering with Medicare to pay for health care reform. They want us to fix it. I get letters almost every day from some of the nearly 700,000 Kentuckians who have Medicare. They are counting on it in the years ahead, and they are worried about its future. In my view, we have a serious obligation to make sure it's there for them. Unfortunately, the administration's proposal takes the wrong approach.

Just yesterday, the Joint Economic Committee completed a study on the administration's proposed cuts to Medicare. It found that if these cuts were used to restore Medicare rather than to fund a government takeover of health care, the Medicare trust fund's 75-year unfunded liability would be reduced by 15 percent, or more than \$2 trillion, and that it would delay the trust fund's bankruptcy by 2 years. In short, while any savings from a reformed Medicare would strengthen it for a longer period of time were they put back into the current program, this just highlights how important overall reform is to ensuring that Medicare continues to serve our seniors.

This is why I have argued for weeks that any savings from Medicare should be put back into the program. And this is why I have also repeatedly urged the administration and my colleagues in the Senate to move forward on the bipartisan Conrad-Gregg proposal, which would provide a clear pathway for fixing the problems in Medicare and other important entitlement programs. Conrad-Gregg would force us to get debt and spending under control. It is the best way to reform Medicare. It deserves the support of every Member of Congress.

Doctors and hospitals across the country are worried about what these proposed cuts in Medicare would mean for them and their patients. Earlier this year, the Kentucky Hospital Association warned that the kinds of cuts being considered in Washington would seriously impact the services hospitals currently provide to seniors in my State. I would encourage my colleagues to talk to seniors, doctors, and medical professionals in their own States and see what they're saying. My guess is that it's a lot different than what some of the lobbyists and interest groups here in Washington are saying.

Some in Congress seem to be in such a rush to pass just any reform, rather than the right reform, that they are looking everywhere for the money to pay for it—even if it means sticking it to seniors with cuts to Medicare. If there was ever a program that needed to be put on a sounder financial footing it is Medicare. And yet throughout the debate over health care, we don't seem to be focusing our attention on this vital issue. Instead, the same people who are unwilling to make the hard choices that are needed to fix Medicare now want us to trust them to create a new government program that will inevitably suffer from these same problems. It just doesn't add up, and Americans are beginning to realize it.

So on this anniversary, here is my message: Using massive cuts to Medicare as a way to pay for more government-run health care isn't the kind of change Americans are looking for. Americans want savings from Medicare to be used to strengthen Medicare, not to create a system that would increase long-term health care costs, force Americans off the insurance they have and like, and lead to a government takeover of health care that has the same fiscal problems that Medicare has.

Forty-four years ago today, President Johnson signed Medicare into law, saying that our Nation would never "refuse the hand of justice to those who have given a lifetime of service and wisdom and labor" to their Nation. Those of us in Congress have a responsibility to fulfill that vow. And the best way to do so is to work together on reforms that address the real problems in our health care system, problems like the ones we see with Medicare.

I have been encouraged, as lawmakers on both sides, and even the

President, have acknowledged that the reform proposals we have seen so far are not where they need to be. Strengthening Medicare to make sure it meets the needs of seniors today and in the years to come would be a very good place to start.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

#### SOTOMAYOR NOMINATION

Mr. ALEXANDER. Madam President, I have a statement to make about the President's nomination of Judge Sonia Sotomayor to be Associate Justice of the U.S. Supreme Court.

Even though Judge Sotomayor's political and judicial philosophy may be different from mine, especially regarding second amendment rights, I will vote to confirm her because she is well qualified by experience, temperament, character, and intellect to serve as an Associate Justice of the U.S. Supreme Court.

In 2005, I said on this floor that it was wrong for then-Senator Obama and half the Democratic Senators to vote against John Roberts—a superbly qualified nominee—solely because they disagreed with what Senator Obama described as Roberts' "overarching political philosophy" and "his work in the White House and the Solicitor General's Office" that "consistently sided" with "the strong in opposition to the weak." Today, it would be equally wrong for me to vote against Judge Sotomayor solely because she is not "on my side" on some issues.

Courts were never intended to be political bodies composed of judges "on your side" who would reliably tilt your way in controversial cases. Courts are supposed to do just the opposite: decide difficult cases with impartiality.

The oath Judge Sotomayor has taken twice and will take again when she is sworn in as Associate Justice of the Supreme Court says it best:

... I will administer justice without respect to persons, and do equal right to the poor and to the rich and ... I will faithfully and impartially discharge and perform all the duties incumbent upon me ... under the Constitution and laws of the United States.

During her confirmation hearings, Judge Sotomayor expressly rejected then-Senator Obama's view that in a certain percentage of judicial decisions, "the critical ingredient is supplied by what is in a judge's heart ... and [in] the depth and breadth of one's empathy." In answer to a question from Senator KYL, she said in her confirmation hearing:

I can only explain what I think judges should do, which is judges can't rely on what's in their heart. They don't determine the law. Congress makes the laws. The job of a judge is to apply the law. And so it's not the heart that compels conclusions in cases. It's the law. The judge applies the law to the facts before that judge.

Giving broad Senate approval to obviously well-qualified nominees helps