



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, TUESDAY, SEPTEMBER 8, 2009

No. 125

Senate

The Senate met at 2 p.m. and was called to order by the Honorable THOMAS R. CARPER, a Senator from the State of Delaware.

PRAYER

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

O merciful Lord, we thank You for the refreshment and accomplishments of our time away and for Your clear, shining inward light that directs our steps. May the Members of this body feel Your peace and power today. Restrain wandering thoughts and break in pieces those temptations that lead them away from Your will. Lord, join our Senators to Yourself with an inseparable bond of love, for You alone truly satisfy. Grant that their love may abound more and more in knowledge and depth of insight, so that they may be able to discern what is best, and may be pure and blameless when they stand before You.

Lord, this is the first time in nearly 50 years that the Senate will convene without Senator EDWARD KENNEDY as one of its Members. Thank You for his life and legacy.

We pray in Your sovereign name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable THOMAS R. CARPER 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, September 8, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS R. CARPER, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARPER 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, the Senate will be in a period of morning business until 4:30 this afternoon, and Senators will be allowed to speak therein for up to 10 minutes each.

Following morning business, the Senate will resume consideration of S. 1023, the Travel Promotion Act, with the time until 5:30 equally divided and controlled between the two leaders or their designees. I designate Senator DORGAN to control the time on our side.

At 5:30, the Senate will proceed to a cloture vote on the Dorgan amendment No. 1347, which was provided for in an agreement reached prior to the recess. If cloture is invoked, upon the use or yielding back of the debate time, the Dorgan amendment will be agreed to and the Senate will proceed to vote on passage of the bill, as amended. That vote is expected to occur tomorrow.

MOVING AMERICA FORWARD

Mr. REID. Mr. President, I welcome my colleagues back to the Senate after an August work period that saw pas-

sionate and profound sadness across our country. Each of us has heard from our constituents over the past few weeks. In Nevada, I heard from citizens across my State who are ready for us to pick up where we left off. They are ready for us to get back to the hard work of legislating. They are ready for us to move forward on one of the most critical issues of our time and the life's cause of our late colleague, Senator TED KENNEDY, making it easier to afford a healthy life in America.

MOMENT OF SILENCE IN HONOR OF THE LATE
SENATOR EDWARD M. KENNEDY

I ask unanimous consent that the Senate now observe a moment of silence in memory of our friend and departed colleague, the late Senator EDWARD KENNEDY.

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

[Moment of silence.]

Mr. REID. Mr. President, I have to acknowledge that as I came into the Chamber this afternoon, I came upon Senator KENNEDY's desk, which is covered with the traditional black velvet, with the flowers and his favorite poem on the desk. I read the poem and a tear came to my eye.

I cherish the time that I can spend with the people of Nevada when I go home and talk with them and learn from them. The people in Nevada care about the volatility of our turbulent economy.

Nevadans see as clearly as anyone in America that we are going forward. In fact, we are getting back on our feet after long years of neglect. They watched as Wall Street went wild, foreclosures reached record highs, and jobs vanished into thin air. But thanks to the leadership of President Obama, the hard work of the Congress, and the unwavering determination of our constituents, they now are seeing these wounds beginning to heal.

This Senate has risen to the challenges we inherited. In the face of unprecedented conditions, we responded

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



Printed on recycled paper.

S9101

with the most significant collection of accomplishments in recent history. We are proud of our important efforts to revive our economy, strengthen our national security, protect our environment, demand accountability, and promote equality and ensure progress.

In the first months of this year, we passed an economic recovery plan that is creating jobs as we speak, strengthening the middle class, and investing in our future. Just last week, the Wall Street Journal acknowledged that the plan we passed is helping us recover from the recession faster than expected.

We also put people ahead of big business by protecting credit card users, cracking down on mortgage scams, and rooting out corporate fraud.

We helped millions of children stay healthy by making it easier for them to get the care they need; that is, the CHIP program, Children's Health Insurance Program, and by making it harder for tobacco companies to prey on our kids.

We made it easier for Americans to serve their country like our heroes of generations past, and we protected our public lands for generations to come.

We passed overdue appropriations bills, new appropriations bills, and an honest, responsible budget that makes sound investments in every part of our country.

This Congress also made history by pursuing justice and ensuring equality for every single American. We stood up for those who are victims of violence because of race, ethnicity, sexual orientation, and for those who are targets of discrimination in the workplace because of gender or background—Lily Ledbetter.

The Senate confirmed President Obama's outstanding nominee for the Supreme Court. Sonia Sotomayor will become the first Hispanic and only the third woman to sit on the highest bench in the land. I think tomorrow the first argument she will participate in will take place.

This is an impressive record for any Congress. I am particularly proud that we have accomplished all of this in little more than 6 months.

How did we get there? We did each of these critical things because we found ourselves in exceptional circumstances. We faced daunting tests and unparalleled problems.

As in any emergency, it is important to understand how we got here. I am not interested in looking backward to place blame on others or pointing fingers. But it is important to learn from past mistakes so we don't repeat them. As I see it, there are two primary reasons we found ourselves in such a deep hole. The first is that for far too long we have put off today's problems until tomorrow. Second is that too many focus only on where we differ, not where we agree. We no longer have the luxury of doing either. Only by working together—not as Democrats or Republicans but as Americans, not as par-

tisans but as partners—can we put the jobless back to work, make sure everyone can afford to stay healthy, and create a new clean energy economy for this new century.

Health care. Learning those two lessons—that we can no longer put off today's problems until tomorrow and that we cannot afford to focus only on where we disagree—will be the difference between reforming health insurance in a meaningful way or letting the status quo and scare tactics hold us back.

Thanks to Chairman BAUCUS and Senator DODD, we have made progress toward passing comprehensive health reform. Four out of five congressional committees responsible for this issue have reported bills, and we will soon see the same from the Finance Committee.

While many important choices remain, we are as committed as ever to a plan that will protect what works, fix what doesn't, and help the middle class get ahead. We will stabilize health insurance for those who have it and secure it for those who do not. We will keep the insurance industry honest and lower costs to ensure that every American can afford to stay healthy. And we are determined to pass a good, bipartisan bill this year.

I have listened to hard-working Nevadans across my State who know the difference between fact and fiction. They know the difference between the misinformation spread by opponents of progress and the reality that our vision of reform means patients and their doctors should be the only ones making decisions about their medical care. Those decisions belong to the people, not to the insurance industry or to government bureaucrats.

The American people know our vision of reform means keeping insurance companies honest and not letting them deny you care because you have a pre-existing condition. The way things are now, if you have anything from heart disease to high cholesterol to hay fever, you might be out of luck. That is not right.

They know our vision of reform means not allowing health insurance companies to drop your coverage if you become seriously ill. It means ensuring that if you change or lose your job, you will have affordable options to cover your family.

They know we are fighting for reform that will make quality, affordable care available to every single American citizen.

It is easy to focus only on the part of the road we have yet to go, but it is essential to remember the great distance we have traveled to get to this point, and the common ground we already share.

We have heard a lot from opponents of progress. One of their main arguments is that they think we cannot afford health insurance reform. My response is simply this: We cannot afford not to make it easier to live a healthy life in America.

The American people have rejected those who pretend things are fine the way they are. They know that unless we get this done, they could lose their health care, and so much more along with it. They know America has no place for those who hope for failure.

Inaction is not an option. We have already seen what happens when we do nothing. Over the past 8 years of inaction, the costs of health care rose to record levels and the number of Americans who cannot afford insurance has done the same.

For the millions of families who file foreclosure because they cannot afford both their house and their health care, not acting is not an option.

For the millions of Americans who file for bankruptcy because their medical bills grow higher and higher, not acting is not an option.

For the millions of Americans who skip doctor visits or treatments they need to stay healthy or who never fill the prescriptions their doctor gives them because health care is simply too expensive, not acting is not an option.

Our health care system is not healthy. Americans' physical health and America's fiscal health are at stake, and not acting is not an option. We have to work in good faith. This past April, I sent my Republican counterpart a letter outlining our priorities for the health care debate. I wrote, of course, that Democrats are committed to lowering health care costs, expanding access, and improving the quality of care. I said in that letter we looked forward to a dialog about how to prevent disease, reduce health disparities, and encourage early detection and effective treatments that save lives.

But in the letter of more than 4 months ago, I also said that in order to help struggling Americans, we cannot drown in distractions and distortions.

I made clear bipartisanship depended on Republicans demonstrating a sincere interest in legislating, offering concrete and constructive proposals, and working together in our common interest rather than against each other and against the interests of the American people.

I stand by that assessment as strongly today as I did this spring, 4 months ago. It is painfully clear to everyone who heard this debate's disturbing turns and dishonest tactics that, more than ever, we now need people willing to work together in good faith.

Today is the first day since January 2, 1953, that a man named Kennedy does not have a desk on the floor of the Senate or in the Oval Office at the White House.

When I think of all the groundbreaking progress we have made over those 56½ years—in civil rights, education, health care, America's global leadership—I know we have no choice but to keep going. Now is no time to let up.

Tomorrow night, the President of the United States will stand on the other side of the Capitol and tell a joint session of Congress his vision for the

health care debate that is ensuing. He will do that, and then over the coming weeks and months, we will contemplate and think about what he said.

It is not insignificant that President Obama will be speaking to such a gathering. We will come together in a joint session because we share a joint future and a joint destiny. We are all in this together—Republicans, Democrats, and Independents, every American citizen and each of their representatives here, Members of Congress, Senators, and the President of the United States.

Senator TED KENNEDY said last December, just months ago:

We know the future will outlast all of us, but I believe that all of us will live on in the future we make.

This is a historic moment. This is our time to shape our future. We stand closer to real health insurance reform than ever before. We are closer than ever to getting this right. We will not give up. We will not bet on failure. We will not let fear obscure the facts. We will not let the priorities of the partisan overpower those of the people.

We have goal lines ahead of us. I say to the Presiding Officer, a member of the Finance Committee, we have to do everything we can to join together to do health care reform that is meaningful to this country. I think I speak for everyone in Nevada and I think I speak for everyone on this side of the aisle and I am confident my friend, the distinguished Republican leader, agrees with me.

RECOGNITION OF THE MINORITY LEADER

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

SENATOR TED KENNEDY

Mr. MCCONNELL. Mr. President, the Senate grieves the loss of one of its giants and one of our great friends. All of us were, of course, moved by the many tributes that have poured in since Senator KENNEDY's passing. We will make time later in the week for Senators, including myself, to deliver tributes of our own on the Senate floor.

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, I previously had an opportunity to welcome my friend, the majority leader, back and welcome all our other colleagues from an active month in August. I know we always enjoy spending this time with our constituents and hearing their particular concerns. This year, most of us got an earful, and I hope the experience has an effect on our work as we move forward.

Health care reform is clearly a critical issue for many Americans, and I think we have an obligation to show them we have been listening closely to their concerns.

At this point, there should be no doubt about where the American people stand: The status quo is not acceptable but neither are any of the proposals we have seen from the White House or the Democrats in Congress so far.

The White House has attempted to retool its message on health care many times. It should be clear by now that the problem is not the sales pitch. The problem is what they are selling.

Over the past several weeks, I have visited with a lot of doctors, nurses, seniors, hospital workers, small business men and women and a whole lot of other citizens across Kentucky and, for that matter, throughout the country. None of them would call our current health care system perfect. But all of them are worried about so-called reforms that would undermine the things they like about the American health care system.

The American people are asking us to start over. They want reforms, but they want the right reforms, not some grand scheme that increases the national debt, expands the Federal Government, raises taxes, cuts seniors' benefits, and forces Americans off the plans they currently have and like. They want reforms that work within the system we have.

We have a lot of work to do in the weeks ahead, but these past few weeks have given us all something valuable. They have given us real clarity about the direction Americans want us to take and, as importantly, the direction they do not want us to take. Now it is our turn to show them we have been listening and to act.

Mr. President, 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. ALEXANDER. 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.

Mr. ALEXANDER. Mr. President, I believe I have 15 minutes, and I would ask the Chair to let me know when 2 minutes remains.

The ACTING PRESIDENT pro tempore. The Chair will do so.

LISTENING TO THE PRESIDENT

Mr. ALEXANDER. Mr. President, we have two speeches by the President of the United States today and tomorrow. The speech today is to the schoolchildren of America, and the one tomorrow night is to us—to a joint session of Congress and to the country.

For the last several days, there has been a small uproar about the President's speech to schoolchildren. In some ways, that is very understandable. The country is very wary right now of more Washington takeovers. We have seen takeovers of banks and in-

surance companies and car companies and student loans and even farm ponds and health care, and all of a sudden some people may have thought the President was intending to take over the classrooms of America as well. That was compounded by the fact that the early lesson plans—probably drawn up by someone either in the White House or the Department of Education—made the speech seem more about the President than about the children and inviting the children to help the President fulfill his goal of the way he wants to transform America.

Well, all that has been changed. The lesson plan has been altered. The President has released a copy of his speech. I read it this morning in Tennessee on my way coming up. It is a good speech. It is about the importance of studying and education. It is about how the President grew up, which is an inspiring story, as is the case with almost all of our Presidents.

So I am glad the President has spoken to the schoolchildren of this country. Of course, the President of the United States ought to be able to speak to the schoolchildren of America. President Reagan did it. Not long after he was elected, he talked about how our country was founded. When I was Education Secretary in 1991, the first President Bush did it. He talked primarily about drugs, with a warning about the dangers of drug use. Presidents should speak to our students, but, of course, parents and teachers should decide whether the children hear the speech and in what context they hear it.

Tomorrow night, when the President addresses the country, no one has to listen to him, except those of us, perhaps, who volunteered to serve in the Congress. We will be here. Millions will listen out of respect to the office, but some could turn off their televisions, some could just read about it, some could listen to the commentators talk about it, and some could watch it on the Web. Children have a different situation. They are captive in their classrooms and they are inexperienced, so we rely on parents and teachers to use their good judgment to decide whether any speech is appropriate for children to hear and in what context.

If I were a teacher, I would jump at the chance to take advantage of this speech. I believe I would put up a picture of Reagan and one of FDR and one of Abraham Lincoln, and I would talk about the Presidency and I would talk about how he is the agenda setter and how the President's election—this President and other Presidents—represents the unique American characteristic that anything is possible for any American of any background. I would point out that there is a Congress as well and the Congress often disagrees with the President. And then I would put up a picture of the leader of North Korea, and I would say: There is the dear leader of North Korea. If you criticize him, you go to jail. If you