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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Most Merciful God, who is the fountain of all grace, the source of all goodness, and in whose keeping are the destinies of nations, endue the minds of our lawmakers with wisdom. Set their feet with a steadfast purpose to fulfill Your will, day by day, by faithful labor and selfless service. In spite of disappointments and disillusionment, lead them to pursue peace and to aim for holiness. May they walk on the high level of noble purpose, with sympathies as wide as human needs. Lord, inspire them to put You first in their lives and to make an unreserved commitment that enables them to rivet their attention on You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico 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 turn to a period of morning business until 2 p.m. this afternoon. Senators during this time will be allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes. The Republicans will control the next 30 minutes. At 2 p.m., the Senate will resume consideration of H.R. 4213, the tax extenders legislation. Under an agreement reached last night, all postcloture debate time will be yielded back and the substitute amendment will be agreed to. The Senate will then proceed to a cloture vote on the underlying bill. If cloture is invoked, all postcloture debate time will be yielded back and the Senate will then proceed to vote on passage of the bill, as amended.

We will continue to work on an agreement to begin consideration of the Federal Aviation Administration reauthorization bill today.

MEASURE PLACED ON THE CALENDAR—S. 3092

Mr. REID. Mr. President, the bill, S. 3092, is at the desk. I understand it is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3092) to designate the facility of the United States Postal Service located at 5070 Vegas Valley Drive in Las Vegas, Nevada, as the "Joseph A. Ryan Post Office Building."

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Will the Chair now announce morning business.

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 until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

Mr. REID. I 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.

Mr. DURBIN. 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.

HEALTH CARE

Mr. DURBIN. Mr. President, there have been a lot of issues brought up on the floor of the Senate recently, and two that seem to be front and center

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



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are the health care reform bill and questions related to our national debt and the annual deficits we run into.

I have listened as many on the other side of the aisle have come to the floor and argued to do two things: first, kill the health care reform bill, and second, reduce our Nation's debt. Unfortunately, that is a mixed message, an inconsistent message, and it is one that really defies logic. We know the increasing cost of health care is adding to the expenses of the Federal Government, State governments, and local governments. If we do not do something to suppress, if not reduce, the cost of health care, we are going to see a dramatic increase in our deficits.

The bill before us attempts to create mechanisms to start bringing down the increase in the cost of health care. Anyone who would stand before you and say, well, if you pass health care reform, next year's health care premiums are going to go down, I do not think is telling the truth. I think it is likely they would go up. But what we are trying to do is slow the rate of increase. If the rate of health care inflation were the same as inflation in general, it would be a major step forward to come to grips with a real problem facing America.

I have told the story on the floor about a local town in Illinois that spends 10 percent of its small budget—a \$20 million annual budget—on health care premiums, and they have just been notified that next year the premiums on about 200 employers will go up 83 percent for health care. That is one small town, Kankakee, IL. The same thing is true in the State of Illinois with our State budget, where we face a fiscal crisis and the costs of health care, in the Medicaid Program in particular, continue to go up because of high unemployment. People who lose their health insurance at work turn to Medicaid, and it creates a greater burden for the State and Federal Government. So as the economy struggles and people lose their jobs, we have to view health care reform as part of the answer not only to family challenges and business challenges but challenges that face us at the Federal level as well.

Health care costs take up a growing share of Federal and State budgets. In the year 2009, we spent an estimated \$2.5 trillion on health care, consuming 17.3 percent of our gross domestic product. That is the sum total of all goods and services produced in America. It represents the largest 1-year increase in the health share of gross domestic product since we first started tracking it in 1960. If we do not pass health care reform to try to slow this rate of growth, the deficits each year will get worse. So those who come to the floor and say, kill health care reform, balance the budget, are really preaching an inconsistent message. It does not work. If we can reduce just slightly the annual increase in Federal spending on Medicare and Medicaid, we can see

positive changes when it comes to our annual deficits.

Economists agree. Twenty-three leading economists, including Nobel laureates and those who have served both Democratic and Republican administrations, identified four key measures that will lower cost and reduce long-term deficits. Health insurance reform includes all four of those measures—deficit neutrality, an excise tax on highest cost health insurance plans, an independent Medicare advisory board, and delivery system reforms.

The Congressional Budget Office has scored the health care reform bill and says it will actually—at least the Senate version—reduce the budget deficit by \$130 billion or more over the first 10 years and by \$1.3 trillion over the next 10 years. We are waiting for the latest score of the bill, which could be forthcoming in the next day or two, but we hope it indicates the same thing.

To fail to pass health care reform is to invite higher deficits in the future. We cannot have it both ways. You cannot stop the effort to bring down health care costs—at least the rate of increase in health care costs—and then preach fiscal conservatism. It just does not work. Those two messages are inconsistent.

In terms of the use of the reconciliation procedure in the Senate to pass parts of health care reform, it is not a process that is unknown to us. Over 20 times we have used reconciliation to deal with major issues facing America. In fact, the Republican side of the aisle has used the process much more frequently than the Democratic side of the aisle. The programs that have been affected by reconciliation have often included Medicare and COBRA and the Children's Health Insurance Program. In fact, when President Bush wanted to pass his tax cuts for wealthy people, he used the reconciliation program and the Republicans supported it.

Reconciliation has been used three times by the Republicans to actually increase the deficit. Out of 22 times reconciliation has been used since 1981, Republicans used it to increase our national deficit at least three times, all of those instances during President Bush's administration. In 2001, reconciliation was used to pass extensive and costly tax breaks, many of them benefiting the very wealthy. Those tax breaks increased the deficit by \$552 billion over 5 years—Republicans using reconciliation to give tax cuts to the wealthy and increase the deficit. Reconciliation was used again in 2003 for tax breaks. Those breaks resulted in adding to the deficit \$342.9 billion in red ink over 5 years. Finally, reconciliation was used in the year 2005 to extend the tax breaks. That extension—that Republican reconciliation bill—increased the deficit by \$70 billion over 5 years.

The health care reform bill we are considering will give middle-income families the largest tax cut in history.

What the Republicans fail to mention is that the money we are raising in health care reform—almost \$500 billion—will flow back to middle and lower income families and small businesses to help them pay health care premiums. Killing health care reform, which is the agenda on the other side of the aisle, will deny these tax breaks and assistance to businesses and families struggling to pay health care premiums that are going up.

We know America's business community will save under this approach and more Americans will be insured. The health care reform bill we are promoting will bring into coverage 30 million Americans currently uninsured. When the Republicans were asked: How many will you bring into coverage, they said 3 million. Well, let me tell my colleagues, 30 million paying Americans, people who show up for care at hospitals and doctors' offices and actually have insurance is not only peace of mind for them but also stops the transfer of their expenses to other people. We currently provide charitable care for those who have no insurance and pass the costs on to everyone else. It is estimated that each of us has a hidden, indirect tax of \$1,000 a year in health care premium costs to make certain we provide for the uninsured. The approach we are promoting in health care reform will provide coverage for these 30 million and will stop this cost shifting and this hidden tax on families across America.

Let me also say the provisions in this bill that are the most objectionable to the Republican side of the aisle mirror the health insurance available to Senators and Congressmen today. We have a plan, the Federal Employees Health Benefit Program, administered by the Federal Government—I guess we could call it a government-run plan, even though they are private insurance companies—and it requires minimum coverage in every plan so we know we will get protection. I haven't found any Republican Senator willing to step up and say, That is socialism; we shouldn't do it; I am going to cancel my Federal Employees Health insurance. Not one. They live with it. I live with it every day in protecting myself and my family. I believe it is fair. I believe every American and every business should be given this opportunity. The insurance exchanges offer to America what we as Members of Congress have enjoyed as an institution for over 40 years. If it is socialism to put it in this bill, then I hope my friends on the other side will stand up and personally condemn this socialism by dropping their Federal Employees Health coverage. That will be proof positive of their genuineness on this issue.

Let me say as well in closing that many of the people who have come to the floor and suggested that reconciliation is some renegade procedure that is seldom used in the Senate have ignored the obvious. The fact that it has

been used 22 times more often by Republicans than Democrats tells the story.

I see on the floor the minority leader, the Republican leader Senator McCONNELL. He has voted for 13 of 17 reconciliation bills during his time in the Senate. He did not consider this procedure objectionable on 13 different occasions when he voted for it. Senator KYL, who is my counterpart on the Republican side, the Republican whip, has voted for 11 out of 11 reconciliation bills during the time he has been in the Senate. In fact, every time reconciliation was used, the Republican whip voted for it. Senator McCain has voted for reconciliation 9 out of 13 times since he has served in the Senate. It is a process that has been used repeatedly by both parties for major decisions: Health care cuts, COBRA insurance for the unemployed, children's health insurance, to name a few. It is something we acknowledge under our rules, and if it is part of the solution of bringing health care reform to an up-or-down vote—at least this aspect of it to an up-or-down vote—it should be a process that most Republicans are familiar with because most of them have voted for it repeatedly.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. McCONNELL. Mr. President, the American people are looking at what is going on in Washington right now and they are wondering what the White House and Democratic leaders in Congress could possibly be thinking. The fact that we are still even talking about a health care bill that raises costs, increases premiums, and increases government spending is a complete mystery to most people. Americans have issued their verdict on this bill. They don't want it. It is that simple.

That is to say nothing of the process. The process that Democratic leaders have used to try to pass this bill is viewed even less favorably than the bill itself. So even if Americans supported the bill—which they clearly don't—they would still want the process cleaned up. Americans expect lawmakers to be completely up front and transparent about any changes they are thinking about making to the health care system.

Americans also expect a level playing field. That means union leaders don't get special deals that nonunion members don't. It means the people of Nebraska don't get a free ride bought and paid for by the rest of the country. Even Nebraskans are telling us they don't want that kind of special treatment. It means if you are a senior cit-

izen, you don't have to move to Florida to keep your health care plan. It means that Louisianans don't get a windfall of Federal money because one of their Senators was willing to vote for a bill most Americans overwhelmingly oppose.

These are just some of the things Americans don't like about the way Democratic leaders are trying to push their bill through Congress and past the public. But they didn't much like the way the bill was put together either. They didn't like the fact that members of both parties spent endless hours negotiating and in committee meetings, only to see Democratic leaders write their own bill behind closed doors. These are the kinds of things Americans have been complaining about at townhall meetings and in statewide elections for months and months. These are the kinds of things the people of Massachusetts were saying in January. Americans can't believe that after all this—after a year of protests and all of the statewide elections—Democratic leaders are still stubbornly pushing the same bill and the same process.

Democratic leaders knew the public didn't support their bill, so they tried to jam it through on a party-line vote. When they had trouble with that strategy, they went for the kickbacks and special deals. As a result, they lost their 60-vote majority. So they came up with another strategy. They tried to get around the normal routes. They decided they would try to jam it through with a bare partisan majority, something that has never been done before on legislation of this magnitude.

Some in the media are blaming the resistance the administration and Democratic leaders have faced on the White House messaging machine. That is absolutely absurd. Americans aren't rejecting this bill because they don't understand it. They are rejecting it because they know exactly what is in it.

Democratic leaders continue to deceive themselves. I saw the Speaker said yesterday Congress needs to pass this bill so Americans can see what is in it. Let me say that again. The Speaker said Congress needs to pass this bill so Americans can find out what is in it. That is like telling somebody they have to buy a house so they can walk through it.

The White House seems to be throwing out every idea it has, hoping something will stick. The President is expected to highlight fraud and abuse in a speech today. I am glad the administration wants to use the enforcement power of the government to find and prosecute fraud, but that is something we can and should be doing already—right now. Do we need to pass a \$2.5 trillion spending bill, raise taxes, and slash Medicare to go after fraud and abuse? I think not.

Finding waste, fraud, and abuse is one of the areas where we have agreement. Senators GRASSLEY, COBURN, CORNYN, LEMIEUX, and others have

been leading this effort for quite some time. Tackling fraud and abuse is one of the issues that can and should form the basis of a bipartisan, step-by-step approach to health care reform, not as a hook—not as a hook—to drag this monstrous bill over the finish line.

On the contrary, Democratic leaders should leave this bill on the field. Then we can talk about passing commonsense ideas such as tackling fraud and abuse on their own, one by one.

The fact is, this whole debate has devolved into a little bit of a farce, and it might actually be funny if the stakes were not so high. Americans don't know how else to say it. They don't want this bill. The American people do not want this bill. They want the process cleaned up as well.

How much longer do Americans have to wait before Democratic leaders will give up this partisan quest and agree to start over, to work together, out in the open, on the kind of commonsense reforms Americans want? That is the question Americans are asking, and we owe them an answer.

The American people aren't an obstacle to be circumvented. This is their health care system, not ours. It is time to end this partisan effort, listen to the people, and start over.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

HONORING OUR ARMED FORCES

SERGEANT VINCENT L.C. OWENS

Mr. PRYOR. Mr. President, it is with great sadness that I come to the floor today to talk about SGT Vincent L.C. Owens from Fort Smith, AR. His life of service to our Nation is a shining example of a true American patriot.

Sergeant Owens lost his life while serving in eastern Afghanistan after his transport vehicle came under fire by enemy forces. He was a part of the 3rd Battalion, 187th Infantry Regiment, 101st Airborne Division in Fort Campbell, KY. Previously, Sergeant Owens spent 14 months in Iraq serving with the A Battery, 1st Battalion, 56th Air Defense Artillery from Fort Bliss, TX. Sergeant Owens served both tours with honor and distinction, earning numerous medals and awards, including two Army Commendation Medals, two Army Achievement Medals, a Valorous Unit Award, the National Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, and the Combat Action Badge.

An ardent athlete, talented student, and motorcycle aficionado, Sergeant Owens lived his life of only 21 years with passion and dedication. Those who knew him describe him as a kind and easygoing man who always had high standards for himself. He was the oldest of five children. He had been married to his wife Kaitlyn for just 6 weeks. Despite being a newlywed, Sergeant Owens did not hesitate to answer the call of duty.