

fighting with an insurance company you can always actually appeal that if they reject it. It is very hard to fight with Washington.

This health care bill we have been debating in the Senate and is now before the House is the one where the American people say don't make me live under this. Don't cut my Medicare. Don't raise my taxes. Don't interfere with my relationship with my doctor. Don't make it tougher for me to get care. Don't lessen the quality of that care.

I ask how much time I have remaining.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BARRASSO. Madam President, I yield the floor and 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. BARRASSO. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BARRASSO. Madam President, I ask unanimous consent to have printed in the RECORD the letter that Senator McCain referenced from the 85,000 doctors across the country opposing the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 10, 2010.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

Hon. JOHN BOEHNER,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER PELOSI AND MINORITY LEADER BOEHNER: The undersigned state and national specialty medical societies—representing more than 85,000 physicians and the millions of patients they serve—are writing to oppose passage of the “Patient Protection and Affordable Care Act” (H.R. 3590) by the House of Representatives. The changes that were recently proposed by President Obama do not address our many concerns with this legislation, and we therefore urge you to draft a more patient-centered bill that will reform the country's flawed system for financing healthcare, while preserving the best healthcare in the world. While we agree that the status quo is unacceptable, shifting so much control over medical decisions to the federal government is not justified and is not in our patients' best interest. We are therefore united in our resolve to achieve health system reform that empowers patients and preserves the practice of medicine—without creating a huge government bureaucracy.

There are a number of problems associated with H.R. 3590 as passed by the Senate in December, including:

The bill undermines the patient-physician relationship and empowers the federal government with even greater authority. Under the bill: 1) employers would be required to provide health insurance or face financial penalties; 2) health insurance packages with government-prescribed benefits will be mandatory; 3) doctors would be forced to partici-

pate in the flawed Physician Quality Reporting Initiative (PQRI) or face penalties for nonparticipation; and 4) physicians would have to comply with extensive new reporting requirements related to quality improvement, case management, care coordination, chronic disease management, and use of health information technology.

The bill is unsustainable from a financial standpoint. It significantly expands Medicaid eligibility—shifting healthcare costs to physicians who are already paid below the cost of delivering care and to the states that are already operating under severe budget constraints.

Largely unchecked by Congress or the courts, the federal government would have unprecedented authority to change the Medicare program through the new Independent Payment Advisory Board and the new Center for Medicare & Medicaid Innovation. Specifically, these entities could arbitrarily reduce payments to physicians for valuable, life-saving care for elderly patients—reducing treatment options in a dramatic way. Medicare payment policy requires a broad and thorough analysis, and leaving these payment policy decisions in the hands of an unelected, unaccountable government body with minimal Congressional oversight will negatively impact the availability of quality healthcare for Americans.

The bill is devoid of proven medical liability reform measures that have been shown to reduce costs in demonstrable ways. Instead, it merely includes a grant program to encourage states to test alternatives to the current civil litigation system. We have ample evidence—as was recently confirmed by the Congressional Budget Office (CBO)—that reforms such as those adopted by California, Georgia and Texas decrease costs and improve patient access to care. Given the fact that costs remain a significant concern, Congress should enact a comprehensive set of tort reforms, which will save the federal government at least \$54 billion over 10 years. These savings could help offset increased health insurance premiums which, according to the CBO, are expected to increase under the bill or other costs of the bill.

Our concerns about this legislation also extend to what is not in the bill. Two important issues include:

The right to privately contract is a touchstone of American freedom and liberty. Patients should have the right to choose their doctor and negotiate fee arrangements for those services without penalty. Current Medicare patients are denied that right. By guaranteeing all patients the right to privately contract with their physicians—without penalty—patients will have greater access to physicians and the government will have budget certainty. Nothing in the Patient Protection and Affordable Care Act addresses these fundamental tenets, which we believe are essential components of real health system reform.

For healthcare reform to be successful, Medicare's Sustainable Growth Rate (SGR) must be permanently repealed—something the Senate bill fails to do. The SGR needs to be replaced by a new system that also establishes realistic baseline for physician services. The CBO has confirmed that a significant reduction in physicians' Medicare payments will reduce beneficiaries' access to services.

We are at a critical moment in history. America's physicians deliver the best medical care in the world, yet the systems that have been developed to finance the delivery of that care to patients have failed. With congressional action upon us, we are at a crossroads. One path accepts as “necessary” a substantial increase in federal government control over how medical care is delivered

and financed. We believe the better path is one that allows patients and physicians to take a more direct role in their healthcare decisions. By encouraging patients to own their health insurance policies and by allowing them to freely exercise their right to privately contract with the physician of their choice, healthcare decisions will be made by patients and physicians and not by the government or other third party payers.

We urge you to change the direction of the current reform efforts for the sake of our patients and our profession. We have a prescription for reform that will work for all Americans, and we are happy to share these solutions with you to improve our nation's healthcare system.

Thank you for considering our views.

Sincerely,

Medical Association of the State of Alabama; Medical Society of Delaware; Medical Society of the District of Columbia; Florida Medical Association; Medical Association of Georgia; Kansas Medical Society; Louisiana State Medical Society; Missouri State Medical Association; Medical Society of New Jersey; South Carolina Medical Association; American Academy of Facial Plastic and Reconstructive Surgery; American Association of Neurological Surgeons; American Society of Breast Surgeons; American Society of General Surgeons; Congress of Neurological Surgeons; Daniel H. Johnson, Jr., MD, AMA President 1996-1997; Donald J. Palmisano, MD, JD, FACS, AMA President 2003-2004; William G. Plested III, MD, FACS, AMA President 2006-2007.

Mr. BARRASSO. I yield the floor and 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. MERKLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### REMEMBERING BEN WESTLUND

Mr. MERKLEY. Madam President, I rise today to honor my colleague and my good friend, Oregon's State treasurer, Ben Westlund, who passed away this last Sunday after a protracted battle with lung cancer. A true independent voice in Oregon politics, Ben entered the legislature to improve the lives of all Oregonians and he remained committed to that cause.

I first met him in 1997 when I was working for the World Affairs Council and went down to talk to the legislature about education in Oregon. I was fortunate to start serving with him 2 years later, in 1999. Ben was an unwavering advocate for affordable and available health care. He helped stabilize Oregon's college savings plan. He increased the State's credit rating. Over the years, I worked with Ben on many issues, including setting up Oregon's Rainy Day Fund, a savings account to protect Oregon's solvency and critical programs when the economy turned down. I also worked with my friend Ben Westlund to create Individual Development Accounts to help empower

low-income families. It is a savings program matched by grants that help families buy homes, start small businesses, return to college—pathways from poverty into middle class.

It speaks to Ben's belief in helping families succeed that he took a lead role in that program.

Ben's political affiliations ranged at times from Republican to Independent to Democrat. But no matter what party he belonged to, his focus first and foremost was always on creating a better Oregon.

In 2003, Ben gave one of the most passionate and moving speeches I have ever witnessed in my life. He gave his speech shortly after being diagnosed with cancer. He was not sure he would return to the legislature, and he wanted us to know we could not retreat in the face of the challenge of passing reforms for affordable and quality health care. He knew it was an enormous challenge, but he took his personal story and turned it to the cause. His work ethic was unmatched. Ben was working as recently as just last week. It was an honor to serve with Ben in the Oregon Legislature and to consult with him as he took on new challenges as Oregon's treasurer.

If you knew Ben, you knew he was gregarious. He lit up the room. Every moment, his enthusiasm for improving our State and our world was inspiring. I will miss him. I am sure his passion and his presence will be missed throughout our State, and I know all Oregonians join me today in honoring the legacy of Ben Westlund.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Madam President, my colleague and friend, Senator MERKLEY, has spoken very eloquently about Ben Westlund, and I wanted to echo those thoughts and reflect on Ben's special and unique style and warmth.

All of us who have been around government and politics know the challenge of the early-morning meeting. Folks are a little bit sleep-deprived, they are looking for coffee, and maybe they are just trying to keep their eyes open at 7:30 or 8 a.m. Senator MERKLEY and I want to tell you a little bit about how Ben Westlund handled those meetings. Ben Westlund was able to master, like everything else, the challenge of the early-morning meeting in government. I am sure Senator MERKLEY remembers that even at that early hour, Ben Westlund would bound to the podium—would not walk, he would bound to the podium—and at the top of his lungs, Ben Westlund would shout: Good morning, Oregon. Good morning, folks. How are you doing? And within a matter of seconds, as Senator MERKLEY remembers, the entire room would be smiling and everybody would feel like attacking the challenge of the day. That was Ben Westlund.

As Senator MERKLEY noted, he was always on the offensive against injustice, always speaking out, for example, on health care.

Ben Westlund lived his life in full view. He shared his battle with cancer with his colleagues in the State legislature because he wanted everybody to know what it was like to try to wrestle with an illness.

He always made the point that he had all of these friends. One of our colleagues, Alan Bates, for example, was there for Ben, and Ben would always say: What would it have been like without Alan Bates? I have so many advantages other people did not have. And that was Ben, always sticking up for others.

He and I were trading calls before he passed—I think Senator MERKLEY will identify with this—because I think Ben was prepared to give me heck, and maybe a little stronger, on a couple of the provisions in the tax legislation that I just introduced with Senator GREGG. Ben was our treasurer. He had mastered the Tax Code in and out. I was trying to reach him because I knew that, invariably, Ben Westlund would be right, he would give us good input, and his thoughts would come directly from the people of Oregon. That was Ben Westlund.

Both of Oregon's U.S. Senators are going to deeply miss this wonderful man, his good counsel, and his companionship. We wanted to take a couple of minutes this morning to note that Oregon has lost a special person, a special person who did so much for our State and did a lot for our country as well.

I yield the floor, and 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. DORGAN. 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. DORGAN. I ask unanimous consent to speak in morning business for such time as I may consume.

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

#### FAA REAUTHORIZATION

Mr. DORGAN. I assume we will report the FAA reauthorization bill shortly, and I believe Senator ROCKEFELLER will be on his way. He is chairing the Commerce Committee hearing right now. I will go over and chair the hearing in his stead when he comes to the floor.

Prior to bringing the bill to the floor today or prior to making it the order of the day, let me just speak in morning business before we get to the bill.

I wanted to talk just for a minute. Yesterday, I talked about what is in the FAA reauthorization bill. Much of what we will discuss today is about commercial aviation—getting on an airliner someplace and flying across the country or across the world. But I wanted to mention that there is another component to this, and that is what is called general aviation.

General aviation is a very large and increasingly important component of air travel in this country. In a State such as my home State of North Dakota, which is a very large State and one that does not have a great deal of interstate commercial airline service, the use of private planes is very prevalent, and general aviation plays a very significant role in our economy.

I learned to fly many years ago. I am not a current pilot at all. I was not even very good at it, I don't think. But I learned to fly and got out of the airplane one day, when the instructor said: You are ready. And I took off and wore this metal suit with an engine attached and got up about 5,000 or 6,000 feet and practiced stalls, steep turns, and the things that you do. So I understand a little about flying an airplane. It is an extraordinary thing.

The private pilots who have an airplane in their hangar out on the farm or in a town and the small business man or woman who has a Cessna 210 or perhaps a Cirrus or a Piper or any number of other small airplanes, single-engine, twin-engine, use those planes every day in every way for very important purposes—to travel around the State and the country to do commerce, to haul parts, to haul people. It is a very significant contribution to our economy. It is estimated that \$150 billion annually is added to our economy by general aviation. It is also estimated that there are about 1.2 million jobs in America from general aviation.

I know the thoughts people have about general aviation are immediately to go to: OK, here is a big corporation flying a G-5 and sipping Cristal and eating strawberries dipped in chocolate, flying across the country. The fact is, big corporations do have airplanes that move their executives around. In most cases, they do that because they want to be at a meeting in Los Angeles in the morning and in Dallas in the afternoon and an evening meeting in New York. The only way they do that is through the use of private planes. It makes them much more effective and much more efficient. I understand that.

But much more than the large corporate jet that is flying people around this country, it is the smaller planes of general aviation that are used in all of our States in many ways across this country. You know, it is true that, yes, the corporate planes and the smaller private planes in general aviation every day are flying organ transplants around, flying hearts and so on around to be transplanted at a hospital; to reunite combat troops with their families; to take someone for cancer treatment, to an urgent appointment with a cancer specialist. All of that is the case. I understand that.

So what I wanted to say is that the use of general aviation and the extensive impact it has on our economy is