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Senate

The Senate met at 10:15 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Fountain of all light and glory, giving life and light and joy, Your greatness and power continue to amaze us.

Today, guide our Senators with Your abiding love. Keep them brave before their fears, pure in their battle against temptations, and true to the duty You have called them to fulfill. May they seek in their times of need the shadow of Your presence, ready to bless even before they ask You.

Lord, take us all as we are and make us by Your grace what we ought to be.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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, March 16, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN 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, the Senate will proceed to a period of morning business until 12:30 p.m. Senators will be allowed to speak for up to 10 minutes each, with the time until 10:30 equally divided and controlled between the two leaders or their designees and with the time from 10:30 until 12:30 equally divided, with the majority controlling the first half of that time and the Republicans controlling the second half. The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons. When the Senate reconvenes at 2:15, we will resume consideration of H.R. 1586, the FAA reauthorization legislation. Senators should be prepared for rollcall votes this afternoon in relation to amendments to the FAA bill.

The reason I talked about the time equally divided and controlled between Democrats and Republicans, according to how long Senator McCONNELL might take, it may not be the full 2 hours, but it will be very close.

MEASURE PLACED ON THE CALENDAR—H.R. 2314

Mr. REID. Madam President, I understand that H.R. 2314 is at the desk and is due for a second reading.

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

The legislative clerk read as follows:

A bill (H.R. 2314) to express the policy of the United States regarding the United

States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

Mr. REID. I object to the matter being placed on the calendar.

The ACTING PRESIDENT pro tempore. Objection having been heard, the matter will be placed on the calendar under rule XIV.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE

Mr. McCONNELL. Madam President, the President recently noted that everything there is to say about health care has already been said. When it comes to the substance of the legislation, this may be true. I suspect that is why an overwhelming majority of Americans oppose it. Americans know exactly what is in this bill, and they have rejected it. They do not want this bill to pass.

But there is still a lot to be said about the process Democrats are using to force this bill through. That won't change whether they get their votes this week or not. The fact is, the die has already been cast on this Congress. Democratic leaders have been imploring Members to make history—make history, they say—by voting for this bill. But this Congress is already guaranteed to go down in history—not for any piece of legislation but for the arrogant way it has dictated to the American people what is best for them and for the ugly way in which it has gone about getting around the will of the American people. Democratic leaders have made it perfectly clear that they view their constituents as an obstacle, particularly on the issue of health care. At every turn, they have

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



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met fierce public opposition, and every time they have tried to come up with a way to get around that fierce public opposition. It has become a vicious cycle: the harder Democrats try to get around the public, the more repellent their proposals become and the more egregious their efforts become to get them through anyway.

We watched last summer as they forced their partisan health care bill through the committees. We watched as they tried to sell it to the public as something other than what it was. We watched as they wrote the final bill behind closed doors, then wheeled and dealt to get the last few votes they needed to squeeze it through both Chambers on a party-line vote. We saw the "Cornhusker kickback," the "Louisiana purchase," "Gator Aid," and all the rest. But as ugly as all this was, as distasteful as all these deals have been, they were child's play—child's play—compared to the scheme they have been cooking up over in the House just this week.

The plan Speaker PELOSI has hatched for getting this bill through is to try to pull the wool over the eyes of the public, and it is jaw-dropping—it is jaw-dropping—in its audacity. Here is their plan: Speaker PELOSI can't get enough of her Democratic majority to vote for the Senate version of the bill, so she and her allies have concocted a way to pass it without actually casting a vote on it. They are concocting a way to pass it without actually casting a vote on it—the so-called Slaughter solution in which the Senate bill is "deemed" to have passed. This way, they will claim they never voted for it, even though they will vote to send it to the President for his signature.

This "scheme and deem" approach has never been tried on a bill of this scope, according to today's Washington Post. This is how they will try to keep their fingerprints off a bill that forces taxpayers to cover the cost of abortions, cuts Medicare by \$½ trillion, raises taxes by \$½ trillion, raises insurance premiums, creates a brand new government entitlement program at a time when the entitlement programs we already have are on the verge of bankruptcy, and vastly expands the cost and reach of the Federal Government in Washington at a time when most Americans think government is already entirely too big.

As Speaker PELOSI put it, "Nobody wants to vote for the Senate bill." But anyone who believes they can send this bill to the President without being tarred by it is absolutely delusional. Anybody who thinks this is a good strategy isn't thinking clearly. They are too close to the situation. They don't realize this strategy is the only thing for which they or this Congress will be remembered. Anyone who endorses this strategy will be forever remembered for trying to claim they didn't vote for something they did. They will be forever remembered by claiming they didn't vote for some-

thing they did vote for. It will go down as one of the most extraordinary legislative sleights of hand in history. Make no mistake, this will be a career-defining and a Congress-defining vote. Make no mistake, this will be a career-defining and a Congress-defining vote.

Most of the time, the verdict of history is hard to predict. In this case, it is not. Anyone who endorses this strategy will be remembered for it. On the other hand, anyone who decides in a moment of clarity that they shouldn't, that they should resist this strategy, will be remembered for standing up to party leadership that lost its way.

Democratic leaders continue to advance the false argument that this effort is somehow akin to certain legislative efforts of the past. There is no comparison. First of all, the good programs they are referring to were far more modest. They enjoyed broad support from both parties in Congress. Most importantly, they enjoyed broad support of the American people.

By contrast, there is no bipartisan consensus about this bill in Congress. It aims to reshape no less than one-sixth of our entire economy at a moment when our economy is already suffering and our existing debts threaten to drown us in a sea of red ink. Most importantly, Americans overwhelmingly oppose it. If you need any evidence of that, look no further than today's Washington Post, which calls this process unseemly, or the Cincinnati Enquirer, which calls it disgusting. Look no further than the President's own pollster, who is telling the White House that the chicanery the Democrats have used to advance this measure is a serious problem.

This entire effort has been a travesty, but the latest solution to give House Members a way out by telling them they can pretend they didn't vote for something they will, in fact, be voting for has sealed its fate. The latest solution to give House Members a way out by telling them they can pretend they didn't vote for something they will, in fact, vote for has sealed the fate of this legislation with the American public.

It is time for rank-and-file Democrats to pull the fire alarm—pull the fire alarm—and save the American people from this latest scheme and this unpopular bill. The process has been tainted. It is time to end the vicious cycle, start over, cleanse the process, and work on the step-by-step reforms the American people really want. It is time to recognize that constituents are not obstacles—constituents are not obstacles—to overcome with schemes and sweetheart deals. Fortunately, it is not too late.

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 be a period for the transaction of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, and the time from 10:30 a.m. until 12:30 p.m. shall be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. McCONNELL. Madam 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. WARNER. 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.

The Senator from Virginia is recognized.

EXECUTIVE NOMINATIONS

Mr. WARNER. Madam President, there are many reasons why the Senate is known as one of the world's greatest deliberative bodies. This Chamber has seen some of the most important debates and votes since the beginning of our Republic. As a freshman Senator—I know my colleague, the Presiding Officer, is also a freshman Senator and soon we will be joined by a series of freshman Senators and my good friend, the Senator from Illinois, is here as well—I think we have all been struck by how much history has been made in this very Chamber.

I am reminded, as we saw last evening some of the exchanges between the majority leader and the Republican leader, there is still an awful lot that I at least feel, as a newcomer, I have to learn. But one thing has become clear to me since being sworn in a little over a year ago. Some of the very safeguards that were created to make this a serious and responsible deliberative body have been abused in a way that damages this institution. In some instances, this abuse also runs contrary to our national interest.

This became very clear to me several weeks ago during the nomination and voting on Justice Barbara Keenan. Senator JIM WEBB, my colleague, and I had the honor of nominating Virginia Supreme Court Justice Barbara Milano Keenan to the Federal Appeals Court for the Fourth Circuit. She is one of the most highly regarded jurists in Virginia. She received a unanimously "well qualified" rating from the ABA. She was reported by the Judiciary Committee unanimously last October, and then her nomination ground to a halt, first for weeks and then for months. In fact, her nomination was filibustered, if you can call it that. I recall in school thinking the filibuster