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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 8, 2011, at 2 p.m.

Senate

TUESDAY, FEBRUARY 1, 2011

The Senate met at 10:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

O God, our Father, we thank You that Your mercies are new every morning.

Strengthen our Senators to serve You in fulfillment of their sacred commitment. Lord, give them kind thoughts, gentle words, and generous deeds. Teach them that it is better to give than to receive, better to serve than be served, and better to forgive than to be bitter. Give them such grace that they will obscure no truth, evade no duty, nor shrink from any sacrifice that will achieve justice and peace.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. REID. 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. REID. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 12:30 today, with Senators permitted to speak therein for up to 10 minutes each. At 12:30, we are going to each have our

weekly caucus meetings, which we do every week. At 2:15, the Senate will begin consideration of the Federal Aviation Administration authorization bill. As I said last night, Senators with amendments to the bill should contact the bill managers to arrange for a time to offer their amendments. Senators will be notified when votes are scheduled.

HEALTH CARE

Mr. REID. Mr. President, a lot of people are talking this morning about a judge in Florida regarding his opinion on the health reform law. I wish to talk about the law very briefly and then talk about the effort to take away the rights that are in the law that are now prevalent in the land.

The health reform bill has already saved lives and saved lots of money. It is saving lives because children are not getting their insurance taken away, as happened before we passed this law. They can stay on their parents' health insurance plans until they are 26, and even younger kids can't get kicked off their plans because they have a pre-existing condition such as asthma or diabetes. Older Americans are healthier because we are starting to close the coverage gap on Medicare, which means they can have a wellness check for nothing—it doesn't cost anything—which means, as far as the Medicare doughnut hole, seniors can finally afford the prescription drugs they had to skip or split before we passed this law.

Saving money. Last week, we saw how much this law is helping cut down fraud in the health insurance industry.

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



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We have recovered more than \$4 billion so far, and the law will keep cracking down on those who are taking advantage of the vulnerable. As small businesses in Nevada and across the country have discovered, we are cutting taxes for businesses that give their employees health care.

These consequences of the health reform law—I have mentioned only a few of them: save lives, save money, and save Medicare as we promised—are just the tip of the iceberg. As more parts of the law go into effect, it will do even more good; even more lives and more money will be saved. It is important to remember this context when we talk about the opinion handed down yesterday in Florida.

Two Federal judges have ruled in favor of the law, two have ruled against it. Lawsuits and lawmakers' efforts to repeal this bill are nothing more than attempts to raise taxes on small businesses, add more than \$1.5 trillion to the deficit, force seniors to pay more for their prescriptions, and let insurance companies once again stand in the way of a child and the medical care he or she needs.

Health care reform is complex, but this debate is very simple. We put patients in control of their health care. Repeal would be insurance companies back in charge. We cannot afford it, not with our wallets and certainly not with our lives and health.

Let me spend just a minute on jobs. The health reform bill is about jobs. I was visiting with someone from George Washington University, the medical department. As I walked in, she said: You know, because of the health care bill, we are going to hire 500 new physicians. I went back and told my staff, and they said: Oh, no, that couldn't be true. I had my staff go back and check with the woman who told me that, and it is true. That is just one facility.

Also about jobs, we need to look to the future. Democrats are working to create jobs and strengthen the middle class, and we are starting today with the first jobs bill of this Congress. This bill, which will modernize Americans' air travel, creates and protects more than 280,000 jobs. We are improving the infrastructure and reducing costly passenger delays. We are going to have a passengers' bill of rights. This is the kind of commonsense solution that creates jobs while making our economy more efficient and America more competitive. This is a bipartisan bill. We need to stop refigting yesterday's fights and start strengthening our future. We are ready to work, to get the American people back to work, and I am hopeful and confident our Republican colleagues will join us in starting with this jobs bill on the floor today.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE REPEAL

Mr. MCCONNELL. Mr. President, it is no secret that most Americans opposed the health care bill that Democrats jammed through Congress last March. It is also no secret that Democrats would like to move past it. But the fact is, the more Americans learn about this bill the less they like it, and the more urgent it becomes for those who pledged to repeal and replace it to follow through.

Opposition to the bill continues to build. And when two Federal courts in a row rule that this bill is unconstitutional and we learn every day of some other way it is not only making health care worse but also hurting jobs and the economy, it is no wonder more Americans support repeal than oppose it, and that the percentage of those who say they support full repeal is higher now than ever. Americans are outraged that the promises they were made about this bill have turned out to be empty. And court rulings like the one out of Florida yesterday only add to the urgency of scrapping this bill and starting over.

Leave aside for a moment all the broken promises. The first requirement of this law or any law is that it at least be constitutional. This bill fails to meet that basic test.

And, as yesterday's ruling concluded, it can't be fixed.

This entire bill hinges on its core requirement that every citizen purchase health insurance. If that is unconstitutional, and two Federal courts now say it is, then the whole thing needs to be scrapped.

But of course we knew that already, based on all the other chaos this bill has wrought.

Let's review.

The President said as recently as last week that this law would slow rising health care costs—that it would bend the cost-curve down. Yet just 2 days later, his own actuary at the Centers for Medicare and Medicaid Services said that Federal health spending would rise by hundreds of billions of dollars over the next 10 years as a result of this bill.

The President said again and again that Americans would be able to keep the plans they had. Yet since the bill's passage, business after business has announced that it would rather pay a fine to the government than cover the health insurance costs of employees that would grow under the new mandates and regulations, and millions of seniors are now expected to lose access to the Medicare Advantage plans they know and like.

As recently as last week, the President said: "This Law Will Lower Premiums." Yet since its passage we continually hear the opposite: insurers across the country are raising premiums to cover the cost of all the new mandates they will have to comply with. One insurer in California recently stunned policyholders by announcing it would be increasing rates by as much

as 59 percent for tens of thousands of customers starting next month. Hikes are also expected in Iowa, Vermont, and Connecticut. In Washington State, one father of five was recently told his \$532 monthly premium could nearly triple next year. He said that when he heard the news he just sat back and said: "You've got to be kidding me."

It is a good way to sum up how many Americans have felt about this bill all along.

And that is to say nothing of the effect this bill has had on the economy and jobs. Despite the empty promises we have heard from politicians about this bill being a job-creator, we continue to hear just the opposite from the businesses themselves. Job creators are telling us that all of the bill's new mandates and fees are stifling businesses and making it even harder for them to start hiring again.

The National Federation of Independent Business says that if this bill stays intact it will "stifle the ability [of businesses] to hire, grow and invest. . . ." "Simply put," the NFIB said in a recent letter, "Congress must repeal [this bill] immediately." To take just one example, Abbott Laboratories said last week it plans to cut nearly 2,000 jobs in response to changes in the health care industry, including this bill.

As I said, yesterday's ruling out of Florida, only adds to the urgency of repeal. As if it weren't enough that this bill increases health care costs, increases insurance premiums, and is leading people to lose coverage they already have and like, it is also unconstitutional—something many opponents of the bill, including me, have been arguing all along. The state can no more compel Americans to buy health insurance under the Constitution than it can compel them to buy vitamins, even if it concluded they would be good for our health. While Congress may have the power to regulate commercial activity, no court in our nation's history has ever interpreted that to mean that Congress can regulate commercial inactivity as well, which is precisely what the health care bill would do.

Most Americans have opposed this bill from the start because they were skeptical of all the claims that were being made about what it would do. The process that was used to jam it through made it even less popular. But the reality has been even worse than people feared. It violates the Constitution—which is reason enough to repeal it—it is driving up premiums, increasing costs, and driving people off the plans they have. And Americans are just as outraged by the special waivers the administration is giving out to select groups as it was by the special deals. The special deals are reminiscent of the deals it gave out to lawmakers who agreed to vote for it. In other words, the implementation of this bill is no better than the process used to pass it.

At this point, it would be a dereliction of duty if Republicans didn't fight