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Senate

(Legislative day of Wednesday, January 5, 2011)

The Senate met at 10 a.m., on the expiration of the recess, 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, offered the following prayer:

Let us pray.

Almighty God, whose kingdom is above all earthly kingdoms and who judges all lesser sovereignties, give our lawmakers this day clean hands and pure hearts to serve You and Your people. Equip them with grace, strength, and wisdom to make our Nation and world better for the glory of Your Name. Lord, infuse them with a creativity that will empower them to do their work according to Your will. Give them peace of soul when their thoughts and plans are right, and disturb them when they drift from what is best. Lead them in paths of righteousness and truth. We pray in Your holy 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. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 25, 2011.

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.

DANIEL K. INOUYE,
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.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will be in a period of morning business with Senators allowed to speak for up to 10 minutes each. The Senate will recess from 12:30 until 2:15 p.m. for our weekly caucus luncheons. I will continue to work with my colleagues on the Senate rules and committee assignments as I have for the last week or so.

At 9 o'clock tonight, the President will give his State of the Union Address to Congress from the House Chamber. Senators are asked to gather in the Senate Chamber at 8:30 so we can proceed as a body to the House of Representatives. We will leave about 8:40 or 8:45 this evening.

RETURNING TRUTH TO DEBATE

Mr. REID. Madam President, in the 2 weeks we were away from Washington, all of us absorbed the numbing tragedy and horrific attack in Tucson, AZ. The Nation mourned the loss, thanked the heroes, and waited anxiously by a brave Congresswoman's hospital bedside. We continue to wish victims a full and speedy recovery and continue to keep their families in our thoughts.

In the days since the Senate last convened, the Nation also resumed a debate over the words, the tone, and the metaphors we use in the Senate, as well as along the campaign trail, on the Internet, and over the airwaves. The national conversation about our national conversation is not new. It happens every year. Candidates promise it in every election. But since the shooting in Tucson, calls for more careful language have been multiplied and amplified.

There is no evidence that partisan politics played any role in this monstrous attack. Even so, we should be more civil anyway. Being more mindful of the weight of our words always helps. We have much more to gain with civility and discretion.

In this new year, I hope we will return to the respect that has always been a hallmark of the Senate. I hope my colleagues will join in renewing our commitment to productive debate. Some may be inspired by the town hall meetings of two Augusts ago, others by the heated election debates. Some may be motivated by the conversations started after Tucson, AZ, and many will seek more civility simply because it is the right thing to do. Whatever the reason, I hope the return to more responsible rhetoric is more than empty rhetoric. I intend to do my part.

What I am talking about goes beyond inflammatory allegations or hate speech. It also means not questioning each other's motives or calling into

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



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question the patriotism of a colleague who has been elected to serve his State and his country.

But it is even more than that. As we more carefully choose our words, we must also remember we do not have the luxury, as Senator Moynihan used to caution, to choose our own facts. If we are going to change the way we speak in the hope of changing the way we do business, we have to reintroduce truth into the public debate.

This doesn't mean just rephrasing an attack line from "job-killing" to "job-destroying," as House Republicans have done in response to the shooting. It means if there is no proof that a policy takes away jobs—if in fact the evidence shows the opposite—we shouldn't pretend any differently. The non-partisan referee we rely on for this data—the Congressional Budget Office—found that when it comes to health care reform—which is what the Republicans are talking about in this case—the claim is simply not true. Changing our rhetoric requires us to debate facts, not invent them.

In the coming weeks, much of the discussion on the Senate floor will revolve around health care, the deficit, and debt limit—those three things. Each of these issues affects the No. 1 issue in America, jobs. Each issue is complex. If we are going to make the right decisions and point our economy back in the right direction, we have to start with a shared respect for the facts.

First, let's look at health care. Independent fact checkers examined all the political rhetoric of the last year. Given the intensity of the legislative debates and the election season, there was a lot from which to choose. But one claim stood out above all—the habit of those opposed to health care to call it a "government takeover."

One of those nonpartisan experts, factcheck.org, called it plainly "false." Another, PolitiFact, a project of the St. Petersburg, FL Times, called it the "Lie of the Year." So if we are going to have an honest debate about the health reform law we passed last year, retiring this scare tactic would be a good place to start.

The deficit: Madam President, my friends on the other side are quick to associate the current President with the current deficit as if it happened overnight and under his watch. But here is a brief review of the facts.

In the 1990s, we balanced the budget under the direction of President Clinton. At the beginning of the next century, America had a bigger surplus than ever in its history. Over the next decade, while our troops went into battle, the costs of two wars went off-budget. The richest took home giant tax breaks but nobody paid the bill. A massive prescription drug program wasn't paid for either.

President Clinton left President Bush a record surplus. President Bush left President Obama a record deficit. Those unpaid-for wars, tax breaks, and

programs are the reason we are in a hole today. What we do next is fair game for debate. But facts, as President John Adams said, are stubborn things.

Finally, Madam President, the debt limit: We will soon debate the debt limit. Earlier this month, the Secretary of the Treasury, Timothy Geithner, sent us each a letter as to what would happen if we don't raise that ceiling. It would be the first time in the history of America that our country would default on our legal obligations. He didn't share his partisan opinion in that letter; he simply laid out the facts. This is what he wrote:

Default would effectively impose a significant and long-lasting tax on all Americans and all American businesses and could lead to the loss of millions of American jobs. Even a short-term or limited default would have catastrophic economic consequences that would last for decades.

What are some of those consequences? Our troops and veterans would no longer get their paychecks. Our seniors would no longer get the Social Security and Medicare checks to which they are entitled. Student loans would simply stop. On a larger scale, the Secretary of the Treasury warned it would lead to a worse financial crisis than the one we are still recovering from.

There soon will be lots of time to debate what we will do about the debt limit, but these are the facts we must first acknowledge and consider.

Finally, the American people voted in November for a divided legislative branch of government, a Democratic Senate and Republican House. They didn't elect Houses led by competing political parties because they want us to compete; they did so because they want us to cooperate. We cannot cooperate without an honest debate and we cannot have an honest debate if we insist that fiction is fact.

Mark Twain, a great Nevadan, once said:

If you tell the truth, you don't have to remember anything.

He was right. Here is one thing every Senator should remember and never forget: Although there are many different points of view in this body, we all share the same reality.

I look forward to a productive Congress and we can do that by debating the facts.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. REID. Madam President, before I turn this over to my friend the Republican leader, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 10, which was received from the House and is at the desk, that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, that no intervening action or debate take place, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 10) was agreed to.

RECOGNITION OF THE MINORITY LEADER

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

DEPARTING COLLEAGUES

Mr. MCCONNELL. Madam President, I wish to start this morning by acknowledging the news from last week that three of our colleagues will be leaving us when their current terms expire. Senator HUTCHISON has been a trusted adviser of mine, a leader in the Senate, and a dear friend. Senator CONRAD has been a leader on the budget. He has done a lot to alert the country to the fiscal problems we face as a Nation. Senator LIEBERMAN has been a consistent and courageous leader on defense and national security issues. We will be sorry to see them go. They have all been a great credit to this body.

STATE OF THE UNION ADDRESS

Mr. MCCONNELL. Madam President, every grade school student knows that all three branches of the Federal Government in Washington are equal, but as every Member of Congress quickly learns, the President sets the agenda. Never is that more apparent than on the day of the State of the Union Address. This year the President will be speaking to a Congress that looks very different from the one he spoke to last year. The voters sent a clear message in November that when it comes to jobs and the economy, the administration's policies have done far more damage than good.

One very positive thing that the President could do tonight is to acknowledge they have a point. He has tried to do so indirectly in recent weeks by hiring new staff and by speaking in tones of moderation, but it takes more than a change in tone to improve the economy. It takes more than a change in tone to reduce the debt. It takes more than a change in tone to help create the right conditions for private-sector job growth. It takes a change in policy, and the early signals suggest the President isn't quite there yet.

The President has talked recently about working together to improve a regulatory climate that stifles business innovation and job growth. Yet he has not acknowledged the extent to which his own policies have stifled growth. Over the past 2 years, his administration has issued more than 130 economically significant new rules or 40 percent more than the annual rate under the last two Presidents. What is worse,