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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois.

### PRAYER

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

Let us pray.

Lord, the Earth belongs to You, the world and everything in it. You are an awesome and majestic God. When we have anxieties about what the future holds, remind us that the hearts of Kings, Queens, and Presidents are in Your hands and You guide them wherever You please. You are sovereign.

Today, bless our lawmakers. Give them a positive attitude regarding the challenges they face. Lord, help them believe that You guard this Nation and will empower them with exactly what they need to lead with excellence.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD J. DURBIN 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 1, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD J. DURBIN, a Senator from the State of Illinois, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. DURBIN 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

ELIZABETH MACDONOUGH

Mr. REID. Mr. President, as the Presiding Officer and all Senators should understand, we have a new sheriff in the Senate now. And we wish Elizabeth MacDonough well. She is certainly well qualified for this job. She has proven that in the decade she has been here, her fairness and astuteness of Senate rules. Let everyone understand that a new boss is in the Senate now.

This morning, following any leader remarks, the Senate will be in a period of morning business for 1 hour. The Republicans will control the first half and the majority will control the final half. Following morning business, we will resume consideration of the STOCK Act.

### THE STOCK ACT

Mr. President, it is my understanding that the Republicans are going to have a luncheon today. I hope they discuss what they want to do here on the Senate floor. Last night we had a situation where two of our fine Senators, Mr. LIEBERMAN and Ms. COLLINS, who have a reputation of being fair and bipartisan, did their best to work through some amendments, to set up votes on them, and they couldn't do it because we had Senators who offered amendments that had nothing to do with this bill—nothing. But Republican Senators said they would not allow a vote on germane and relevant amendments until they were guaranteed a vote on their nongermane amendments. So that is not a good situation, and we cannot legislate in that fashion. It is

one thing to offer an amendment that is not germane, but to demand a vote on it out of order before any other amendments? So the minority has to make a decision whether they want to legislate or have people give speeches all day that have nothing to do with the legislation.

I hope the leadership and the Senators generally on the other side of the aisle will work together to help us move this piece of legislation out of here. It is an important piece of legislation. We were told it is bipartisan. Only two Senators voted against breaking the filibusters so we could start debating this bill.

### SPENDING

The Republicans in Congress often claim they are the only thing standing against a wave of deficit spending. But where were these Republicans when President Bush pushed for trillions in unpaid tax cuts for the rich? Where were they? They were right here in Congress, that is where. So instead of pointing the finger at us, Republicans should examine their own track record of extravagant spending: a prescription drug plan, unpaid for; two unpaid wars; tax breaks for the rich, unpaid for. And they were paid for—borrowed money, money borrowed from American taxpayers. Trillions of dollars. In fact, President Bush's tax cuts were the single largest contributor to the ballooning budget deficits during his administration. There were plenty of others, but that was No. 1. And no one benefited from these tax breaks more than billionaires and millionaires. Tax breaks for the richest Americans piled nearly \$1 trillion on our debt over the last decade. The tax bill was far more than that, but that is just people making more than \$1 million a year.

Yesterday the nonpartisan Congressional Budget Office released a report showing that these tax cuts will continue to push deficits to unsafe levels. We know that, but in addition to doing that, what it does is it makes the poor

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



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poorer, the rich richer, and squeezes the middle class every day. Extending the Bush tax cuts for the wealthiest Americans—people making more than \$1 million a year—would add another \$1 trillion to the deficit over the next decade. We can no longer afford to bankrupt our Nation to give more tax breaks to people who do not need them. People are putting up accounts in the Cayman Islands, stashing money in Switzerland.

Republicans are right about one thing: We do have a deficit problem in this country. And there are two ways to ease this crisis. We could cut more jobs for teachers, firefighters, police, and Federal employees. We could cut Social Security and Medicare benefits for seniors after a lifetime of hard work. We could put off repairing our crumbling roads, bridges, and schools. We could continue to let our schools fall into disrepair and our students fall further behind. We could continue talking about what really does not matter.

The House keeps talking about bills they have passed that create jobs. Everyone, every pundit who has looked at those knows it is just a subterfuge. They want to cut regulations, and that would make people sicker, that would make our air dirtier and our water less pure and our food less safe. That is what they are doing to create jobs.

The other way to cut spending would be to take care of those unnecessary tax breaks for millionaires and billionaires.

So this is the choice we face: cutting the heart out of America or having the richest of the rich contribute just a little bit to the problems we have in America today as it relates to spending. The choice we face should not be a very difficult choice.

This country has limited resources, and we must use those resources wisely. Investing in the middle class is a wise use of those resources. When you put money back in the pockets of the middle class, they spend it. They spend it on groceries and gas and buying new cars, paying their mortgages, paying their rent, maybe repairing their family car, or spending it to fix the roof on their house that has become dilapidated. That spending boosts business, spurs hiring, and helps the economy. Rigging the tax system to favor the richest of the rich does not do that. Rigging the system does not create jobs. It does not spur growth. It is not a wise use of our resources.

#### RECOGNITION OF THE REPUBLICAN LEADER

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

#### HEALTH CARE

Mr. MCCONNELL. Mr. President, later this morning President Obama is scheduled to speak in Virginia on the economy. I have not seen the speech,

but I expect he will not be talking about the negative impact his health care bill is already having on job creation, and I guarantee he will not be talking about one provision in particular, the CLASS Act, which the House of Representatives is voting to repeal today.

Like so many of his policies, the CLASS Act has not turned out the way the American people were told it would. At the time of its passage, Americans were told it would be a long-term care cost saver. Proponents of the CLASS Act said it would account for nearly half of the deficit reduction they claimed the health care bill would somehow miraculously bring about.

More recently, however, the administration has admitted that government officials knew their projections about the CLASS Act could not possibly be true. They knew it would not work as advertised. Yet the Obama administration went ahead with it anyway.

In 2009, the Chief Medicare Actuary wrote that, based on his 36 years of actuarial experience, he believed the CLASS Act would “collapse in short order, and require significant Federal subsidies to continue” and that it would lead to what he called an insurance death spiral since only the sickest people would sign up, making it impossible for the program to remain solvent. Another health care policy official said that the program “seemed like a recipe for disaster.”

So last October the Obama administration was finally forced to admit what they refused to admit when the health care bill first passed: that the CLASS Act was indeed unsustainable. As HHS Secretary Sebelius put it, there is no viable path forward for the program. Yet for some reason the President is unwilling to follow through on that conclusion by his own administration. He opposes today's vote over in the House.

Most people would conclude that the administration would support repealing a portion of the health care bill that they now acknowledge is not financially viable, but they would be wrong. Despite admitting this program is doomed to fail, the Obama administration refuses to take it off the books. This refusal is all the more remarkable given the fact that President Obama has repeatedly said he is willing to listen to critics of his health care bill if they come up with ways to improve it. When it comes to the CLASS Act, the President does not even appear to be willing to listen to himself.

Well, it should be obvious what is going on here. The President is so determined to distract people from his own legislative record that he does not even want to have a conversation about it. He is so determined to convince people that the ongoing economic crisis is someone else's fault that he is acting as though the first 3 years of his Presidency never even happened. He refuses to admit the central

role his policies have played in prolonging the economic mess we are in. Instead of leading, the President is biding his time, hoping the public will blame someone else for the jobs crisis. Instead of acknowledging the effects of his own policies, he is hoping he can change the subject. The problem is, the longer we wait to tackle these problems, the harder they will be to solve. And, frankly, most Americans think the President should be leading that charge, not avoiding it.

In 2009, President Obama said that rising health care costs were the most pressing fiscal challenge we faced as a nation. Yesterday, the Congressional Budget Office said government health care costs will double over the next decade. So the verdict is in. The administration looked at an area that both parties agree was in critical need of reform, and they made it worse, and now they will not even admit it. Why? Because it interferes with the President's reelection strategy. If it is about him or his policies, he does not want to talk about it. And when it comes to the CLASS Act, it is easy to see why.

So I would encourage our friends over in the House in their efforts today. I hope they send this bill over to the Senate with a strong bipartisan vote. If the President will not listen to his own advisers, let's hope he listens to Congress on the failures of his health care bill and in particular the failures of the CLASS Act.

If we are going to replace the President's health care bill with the kind of commonsense reform that the American people want, repealing the CLASS Act is a good place to start. As the House is showing today, if the President refuses to act on this important issue, Congress will.

I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with time divided equally between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to enter into a colloquy with my colleagues from North Dakota and Nebraska.

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

#### KEYSTONE XL PIPELINE

Mr. THUNE. Mr. President, President Obama has said that every morning when he gets up, he thinks about what he can do to create jobs. Yet just in the last couple weeks, he turned thumbs down on a project that would create