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Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

Eternal God, the light of our lives, we lift our hearts to You in praise. May Your presence be felt today on Capitol Hill. There is no one like You, for You protect the weak from the strong and the poor from the oppressor. Give our Senators strength for today's journey. Deepen their trust in You, as You guide them by Your wisdom. As we anticipate the Fourth of July, remind us that true freedom comes from You. And, Lord, we ask Your special blessing upon our outgoing Senate page class.

We pray in Your liberating Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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, June 29, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 341, S. 2237.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and bonus depreciation for an additional year, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, I know Senators are anxious as to what is going to happen here today. The Republican leader and I have been in close contact the last several days. We are fortunate that we are now in a position to complete work today. We should be able to do it quickly. It all depends on the cooperation of Senators.

We actually know the House is planning to vote around 12:30 today. They could do it more quickly. They could do it as late as 1 o'clock. We have the ability, now that the papers have been filed over in the House, to act before they do, as we have done before. So we will have to see how the morning moves on.

We are working on a consent to have votes in relation to the transportation conference report this morning. I know Senators have called me and, I am sure, the Republican leader on a number of occasions. As soon as we have something firmed up, we will let everyone know.

HEALTH CARE DECISION

Mr. REID. Mr. President, yesterday the U.S. Supreme Court reaffirmed

that no family should live one illness or one accident away from bankruptcy. The Court decision is not a victory for Democrats or President Obama, it is a true victory for the American people. Let me give you a few reasons why that is the case, and just a few.

Since the act was signed by President Obama, more than 6 million young people have signed up for their parents' health plan. Why is that important? As most people know—in the Senate, at least—I am from Searchlight, NV. It is a very small community. Someone I care a great deal about was the assistant postmistress there. Her husband has been around town. They have been together for many years. They have a boy named Jeff. I can remember, when we first had our home in Searchlight, he would help us as a young boy, climbing up into a Joshua tree and putting up Christmas tree lights.

Well, he has grown past that. He was in college and doing quite well. He started getting sick. He had just turned 23. As embarrassing as it was, he had to go to a doctor to find out what was wrong. He had testicular cancer. That happened a matter of weeks after he was no longer on the insurance plan of his parents. They had no money. They were desperate to help their boy, and they did everything they could to help him.

He had two or three surgeries. His life was saved. It really put a dent in what limited savings they had. She worked part time in the post office. He had worked down at the Mohave generating facility, which closed. So they had limited means. It was very difficult on what savings they had been able to accumulate.

That will not happen anymore. He would have been able to complete college because the magic age is not 22 anymore, it is 27. So that is one thing, and 6 million young Americans have taken advantage of that. They will not have to have the problems Jeff Hill had. He is doing OK now. He recently

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



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married. But it was a struggle for a long time, physically and emotionally. Because children can now stay on their parents' insurance until they are 26, no young person will have to defer his or her dreams to take a job that offers insurance.

Since health reform took effect, 5 million seniors have already saved about \$600 each on prescription drugs. The doughnut hole is being filled. Maybe people watching this presentation here today do not know what the doughnut hole is, but every senior citizen knows what it is because it costs them lots of money.

Because of this law now no longer being debatable as far as whether it is going to stand—it is the law of the country—millions have gotten free wellness checks and cancer screenings. They could never have done that before. Millions—free wellness checks and cancer screenings. That means millions of seniors have more money in their pockets for food, gas, and the electric bill. Frankly, a lot of them would not have spent that money anyway; they would have just worried about whether they had cancer or whether they should wait a while to go see the doctor for their annual physical which was way overdue. It means millions of seniors, if, in fact, they are spending for this wellness check, will not have to anymore, and they can use this money for food, gas, and electric bills.

Hundreds of thousands of businesses already offer their employees health insurance using tax credits. They are doing the right thing.

Since Congress passed the law, insurance companies can no longer put profits ahead of people.

It is no secret that the insurance companies have been lobbying for a long time. Now 17, 18 years ago, they lobbied against the Clinton health care plan. They were very effective. "Harry and Louise" ads defeated that legislation. They spent millions of dollars. They tried to defeat this legislation, and they have been lobbying hard. I do not know how they expected to affect the Supreme Court, but maybe they have ways none of us understand. I think they wasted their money.

In the future, insurance companies will no longer be able to put profits ahead of people. They can no longer discriminate against children with pre-existing conditions.

I served in Congress with a man named James Bilbray, and we have been friends since I was going to law school back here—Jimmy Bilbray. He has had a wonderful career in politics in Nevada. But he and I as young men back here were raising our little kids together. We were going to law school. We both worked here on Capitol Hill. His little boy Kevin got so sick. He was just a baby—just a baby. He didn't know what was wrong. He had a diabetic coma. This little baby had diabetes. Kevin lived to be about 20 years old. He had a diabetic reaction when he

was taking a shower, fell over the stop on the bathtub where the shower was and drowned—it killed him. He died. Kevin Bilbray. He had diabetes.

Of course, getting insurance was always a problem for that family. No longer. No longer. If a child like the Bilbrays', like little Kevin, has diabetes, they will not have to worry about, can I get insurance? And not only will it apply in the future—it applies right now to people under age 18, but in the future everybody who has a preexisting disability will be entitled to insurance. They cannot be denied because of a pre-existing disability.

It is not only diabetes, it is heart defects. I know he never talks about this, but I know about it. Senator DURBIN had a child who from the time she was a baby had a heart defect. She was sick her whole life. DICK and Loretta lost their girl a couple of years ago. She was 40 years old, thereabouts. Her whole life, she had a heart defect. In the future, people like that will be able to get insurance. They cannot be denied.

Right over in the LBJ Room yesterday morning, at my "Welcome to Washington," there were a number of people there. The granddaughter of someone with whom my oldest brother went to school—Teddy Vasquez's grandchild—was there. Why? Because she was there representing her brother, who has cystic fibrosis.

I do not know if the Presiding Officer has ever before been around anyone with cystic fibrosis, but, as I explained to them over there yesterday morning, one of my son's coaches had a son who had cystic fibrosis. They would have to beat on his chest. They had this process to try to loosen the stuff that accumulates in the lungs because of this disease. Kids used to not live very long with this. We are doing a lot better now. We have some medicines. But in the future, anyone with cystic fibrosis will not be denied insurance because of this dread disease. Now, if you are under 18, you cannot be denied insurance because you have this dread disease.

Insurance companies can no longer raise your rates for no reason. How many times have we heard stories about insurance companies raising rates for no reason other than they wanted to? And there was no way to stop it. They can no longer drop coverage if you get sick. They did that. They can no longer do that. That is now against the law of this country.

Millions of Americans are already seeing the benefit of this law, and soon 35 million more who cannot afford health insurance will have access to reasonably priced insurance and quality care. Here is how it works. Each State will set up its own health insurance marketplace called an exchange, which will offer a menu of private insurance plans from which people can choose.

The Presiding Officer is a relatively new Senator here. I have been in Con-

gress now for a long time. Every year, we get a menu of options, like all Federal employees. Senators do not get treated any differently than any other Federal employees. We get a number of options as to what we want to buy, the price of one up here or down here. That is what we want for everybody in America, something just like the millions of Federal employees have. That is what we will have.

We will offer a menu of private insurance plans from which people can choose what they want. Once these exchanges are in place, insurance companies will no longer be able to discriminate against any American with a pre-existing health condition, just as I have talked about. They will not be able to deny you insurance because you are sick. They will not be able to charge you more just because you are a woman. That is a fact. They will not be able to do it anymore or because you do not already have insurance. If you cannot afford the premiums, you will get a tax credit to help pay for them.

But what if you are one of the 250 million Americans who already have insurance? Nothing will change—nothing. Nothing will change except you will no longer have to worry that if you lose your job, you will lose your insurance. Nothing will change except that if you get cancer or have a stroke, your insurance company will not be able to deny you lifesaving care because you have reached some arbitrary lifetime cap.

These are not theoretical. A man in Las Vegas was a car racer. He was not racing a car, but somebody hurt him. He became a paraplegic. He got along pretty well. He needed a lot of care. He arrived at some lifetime cap. He had an insurance policy. He had his own insurance. They cannot do that anymore. That provision on this lifetime cap will help untold hundreds of thousands of people.

Nothing will change, except when one gets a checkup and preventive will be free—a provision that has already helped 54 million Americans with private insurance.

You will be able to keep your plan and keep your doctor. But now you—not the insurance company—will be in control.

By August, almost 13 million people will get a rebate check from their insurance company because it spent too much on administrative costs and not enough on health care. They can't any longer put all the profits into these multimillion dollar bonuses and salaries people got. They cannot do that; 80 percent of what they get has to be put into helping people get well.

It is so very important to explain to people what is in this bill. Are these things people want to take away? I don't think so. They can yell and scream about ObamaCare but explain these individual provisions. This money will come back in August. I was listening to public radio this morning, and they interviewed someone who ran

an insurance exchange, I think they called it. He was waiting by the phone for this decision to come out yesterday. He was so happy because CNN and FOX announced the case had been overruled. He was so happy. But when he learned it was actually still in effect, he was very sad. Why? He said: We will not be able to pay our salaries as much as we had.

He was paying a lot for salaries for the bosses and not enough money into taking care of people.

The Affordable Care Act is already helping millions of Americans—seniors on Medicare, children with heart conditions, and students following their dreams.

In the coming months, millions more will benefit from this law. That doesn't mean the law is perfect. We all know that. We are willing to work next year, and if there are problems to work out, we are happy to work with our colleagues to do that.

But now the Supreme Court has spoken; it is time to renew our focus on the most pressing challenge facing America: the high unemployment rate we have. Too many Americans are struggling, and Congress cannot afford to waste time refighting old battles. We need to work together to put Americans back to work.

As a side note, these people who talk about repeal, it would cause the loss of 400,000 jobs. If we look at all the job statistics in the past year, some of the most significant growth is taking place in health care. I don't think we want to lose 400,000 jobs right off the bat.

Thanks to cooperation on both sides, I am glad to say the Senate will vote sometime today on the Transportation bill conference report. It is a wonderful piece of legislation that includes student loans and the problems we have had with flood insurance. These things will be completed fairly early today. The Flood Insurance Program being extended will allow millions of home closings to go forward at a time when our real estate market is beginning to rebound. Preventing interest rates from doubling on 7 million students was a major priority for all of us.

Passing the 2-year, 3 months' Transportation bill will create or save 2.8 million American jobs—many of them in the hard-hit construction industry. It will also restore millions of miles of crumbling roadways, railways, and bridges. It is very important. It streamlines the process and gets rid of a lot of the ability for entities to stall the construction of these much needed roads. I had an experience similar to this in Nevada. That is why it was important to Senators BOXER and INHOFE.

This has been a very productive week. It has been a fruitful session that we have had. We have passed a bipartisan farm bill and have taken a hard look at how we are going to make the Postal Service better. The farm bill was very difficult and took a long time to get done.

I am optimistic the Senate will remain in the spirit of cooperation dur-

ing the next work period, when we consider a number of other important job creation measures and other things we need to do.

I hope my colleagues have a constructive week at home. We have a lot of work to do, and I understand that. I hope everybody is safe and happy, and I certainly extend my recognition to the State of Colorado, which has had devastating fires, and the West is having real problems. They have about 200 fires burning as we speak. Eleven of them are major fires. We have to make sure we give the firefighting people the resources to do this. I was happy, within the past month, to be part of a program to advance the purchase of these tankers to fight these fires. We were able to do that.

When we come back to work in 10 days or so, everybody has to understand we have a lot to do to ensure this country's economic future. I look forward to taking up the challenge together.

PILOT'S BILL OF RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 1335 and the Senate now proceed to that matter.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1335) to provide rights for pilots, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PILOT'S BILL OF RIGHTS

Mr. ROCKEFELLER. Mr. President, S. 1335, the Pilot's Bill of Rights, takes several steps to protect the rights of pilots, including modifications to the appeals process, and improvements to the Federal Aviation Administration's Notice to Airman System and medical certification process.

Most importantly, it preserves the FAA's authority to take actions to maintain the safety of the air transportation system, and we want to be clear about the Congressional intent regarding one particular section of the bill.

Three provisions of the bill eliminate language in current statute governing the National Transportation Safety Board's (NTSB) adjudication of appeals of FAA orders that deny, amend, modify, suspend, or revoke an airman's certificate. Specifically, language in 49 U.S.C §§ 44703(d)(2), 44709(d)(3), and 44710(d)(1), which expressly binds the NTSB to "all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed . . . unless the Board finds an interpretation to be arbitrary, capricious, or otherwise not according to law."

It is not the intention of the Senate to eliminate the NTSB's practice to ob-

serve the principles of judicial deference to the FAA Administrator when reviewing airmen appeals. The Senate only finds that this language is redundant of what is already provided for under the law and it is not the intent of the Senate to prevent the NTSB from applying the principles of judicial deference in adjudicating Federal Aviation Administration cases.

The purpose of these changes is simply to make the statute consistent with the laws governing all other Federal agencies. Thus, it is the intention of the Senate that the NTSB, in reviewing FAA cases, will apply principles of judicial deference to the interpretations of laws, regulations, and policies that the Administrator carries out in accordance with the Supreme Court's ruling in *Martin v. OSHRC*, 449 U.S. 114 (1991).

Mr. INHOFE. Mr. President, I concur.

Mr. REID. Mr. President, I ask unanimous consent that the Hutchison-Inhofe amendment at the desk be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

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

The amendment (No. 2489) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pilot's Bill of Rights".

SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the "Administrator") shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

(A) of the nature of the investigation;

(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;