



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, TUESDAY, SEPTEMBER 24, 2013

No. 127

House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 25, 2013, at 12 p.m.

Senate

TUESDAY, SEPTEMBER 24, 2013

The Senate met at 10 a.m. and was called to order by the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts.

PRAYER

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

Let us pray.

Eternal Spirit, supreme source of light and love, as the American people experience jitters because of an impending government shutdown, we look to You, the fountain of wisdom. Give our Senators the wisdom to know what is right and the courage to do it. Lord, thank You for the doors You open to us, providing us with opportunities to accomplish Your purposes. Open for our lawmakers new and wide horizons, leading them to ever-increasing usefulness. Give them the backbone to go through the doors You open, setting aside fears that intimidate and discourage, as they seek to obey Your commands.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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. LEAHY).

The assistant bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 24, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD J. MARKEY, a Senator from the Commonwealth of Massachusetts, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2014—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 195, which is the continuing resolution.

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

The assistant bill clerk read as follows:

Motion to proceed to Calendar No. 195, a joint resolution (H.J. Res. 59) making continuing appropriations for fiscal year 2014, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Repub-

lican leader, there will be a period of morning business until 11:15 this morning. The Republicans will control the first half and the majority the second half. At 11:15 a.m. the Senate will proceed to executive session to consider the nomination of Todd Hughes to be a U.S. circuit judge for the Federal Circuit. At 11:45 a.m. there will be a roll-call vote on confirmation of that nomination. Following that vote, the Senate will recess until 2:15 p.m. to allow for the weekly caucus meetings. At 2:15 p.m. we will resume consideration of the motion to proceed to the continuing resolution. Senator MIKULSKI will make opening remarks at that time, and Senator CRUZ will be recognized after her.

Mr. President, on the morning news I hear there will be a filibuster today. I want to disabuse everyone. There will be no filibuster today. Filibusters are to stop people from voting, and we are going to vote tomorrow. Under the rules, no one can stop that. We can advance the time and do it more quickly. We could do that at any time, and I would be happy to make sure we accomplish that, if both sides agree that, in fact, is something we should do. But we are going to vote tomorrow regardless of what anyone says or does today, unless it is a consent agreement to collapse the time, and that vote will occur sometime around noon tomorrow. So I want to make sure everyone understands there will be no filibuster today.

ECONOMIC RECOVERY

Mr. President, for millions of American families, the road to economic recovery has been long, long, and very, very hard. Now, just as the economy

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



Printed on recycled paper.

S6689

begins to gain steam, some Republicans in Congress seem determined to derail 4 years of progress. They are obsessed with defunding health care. They are pushing us closer and closer to a government shutdown that would tank the economy, and that is an understatement.

The business community is gravely concerned about the impacts of a shutdown on the economy, and middle-class Americans are really upset and concerned about this threat.

Yesterday Republican and Democratic leaders in both Houses of Congress received a letter from the Business Roundtable, an association of chief executive officers who employ more than 16 million people. It is respected by Democrats and Republicans. The CEOs cautioned us about the economic dangers of a government shutdown. They warned of the catastrophic effects of a first-ever default on the Nation's debt—the next looming crisis Republicans hope to exploit to their own short-term political benefit. I should say some Republicans.

This is what the Business Roundtable wrote yesterday:

Failure to fund the basic business of government and adjust the debt limit in a fiscally responsible manner would risk both the immediate and long-term health of the U.S. economy. . . . Even a brief government shutdown would have serious economic consequences and default, however temporary, would be calamitous.

Five years removed from the worst of the great recession, job creation, economic growth, and other key economic indicators are not where they should be, but they are headed in the right direction. The private sector has created 7.5 million jobs in the last 42 months, jobless claims are at a 5-year low, and consumers feel more optimistic about the economy than they have at any point in the last 5 years. A government shutdown would reverse these trends and stunt future economic growth, it would panic consumers and financial institutions, and it would cost the economy more than \$30 billion for every week the government remained shuttered—each week, \$30 billion. We know this from experience. According to the nonpartisan Congressional Budget Office, the shutdowns of the mid-1990s—which lasted 27 days, all told—reduced GDP by half a percent. That is a huge amount of damage to our economy.

The U.S. Chamber of Commerce has joined the Business Roundtable in calling on Congress to keep the government open. Here is what they said:

It is not in the best interest of the U.S. business community or the American people to risk even a brief government shutdown that might trigger disruptive consequences or raise new policy uncertainties washing over the U.S. economy.

But the dire effects of a shutdown would not just impact the economy; a shutdown would send half the Defense Department's civilian workforce home without pay and delay paychecks for many military families who already

live paycheck to paycheck. Although checks would go out to seniors already on Social Security, no new applications for benefits would be processed, putting seniors and disabled Americans at risk. Likewise, veterans applying for education, disability, and pension benefits would be forced to wait. The Centers for Disease Control would stop monitoring disease outbreaks. Passport applications would languish, costing airlines and travel-related businesses millions of dollars.

By a 3-to-1 margin, Americans already oppose this senseless Republican plan—some feel more strongly than others—to hold the government hostage to defund ObamaCare.

As I said here yesterday morning, CNN, CNBC, in separate polling, show 59 percent—the same number in both polls—59 percent of the American people support ObamaCare, and even a larger number of people think the government shutdown is the worst idea that ever came along—as one Republican Senator said, the dumbest idea he ever heard. So imagine, Mr. President, their reaction—the American public—once they see the dark economic outcome of a shutdown. I have told you how they feel. But they can see in their mind's eye that they are losing their jobs, their families are losing jobs, and an unquestioned economic downturn.

Confucius, the famous Chinese philosopher, offered a warning—now a long, long time ago—when he said: “When anger rises, think of the consequences.”

I realize generally the Republicans are still upset and mad, angry that they lost the election in 2008. I understand that. They are still angry that they failed to stop a landmark expansion of health care to millions of Americans. I understand that. They are angry that they have failed to regain control of the Senate. They are angry that President Obama was overwhelmingly reelected last year. But it is time to set that anger aside. It is time to stop obsessing over old battles and think of the consequences of a government shutdown.

So, Mr. President, what we need to do—the Acting President pro tempore, a longtime Member of Congress, approaching four decades of being in Congress, recognizes how we have worked together over those decades, accomplishing good things for this country—is go back to those days, days of working together. We could start in many places. We could start by funding the government without a big hassle. We could work together to do postal reform, which affects 6 million working Americans. We could work together to do agricultural reform, which under the bill we passed out of this body will save \$23 billion. We cut the deficit by \$23 billion. We could work together to pass immigration reform. My Republican colleagues are concerned about the debt. That reduces it by \$1 trillion.

Mr. President, the American people at least deserve that we work together

and get things done. I would hope that with this crisis facing us we can put all our obsessions about health care and President Obama getting reelected and our still controlling the Senate behind us and move on to do good things for our country again.

RECOGNITION OF THE MINORITY LEADER

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

HOUSE CONTINUING RESOLUTION

Mr. MCCONNELL. Mr. President, about 4 years ago I mounted a campaign right here on the Senate floor against a bill that would come to be known as ObamaCare. Nearly every day we were in session, I spoke about the dangers of this bill for individuals, for families, for businesses, and the very character of our country. I predicted that it would be a complete disaster and that anyone who voted for it would come to regret it because the promises that were being made about ObamaCare could not possibly be kept. And guess what happened. These predictions are all coming true.

ObamaCare has not even been fully implemented yet, but we can already see the train wreck headed our way. Premiums are skyrocketing. Major companies have been dropping the health care plans their employees have and like. And every week it seems there are new reports about glitches that will hurt families, compromise personal information, or expose the American people to fraud—all of which helps explain why even some of the bill's fiercest early backers are looking for an escape hatch.

But there is only one escape hatch that will fully help those trapped by this law, and that is full repeal. That is why I am supporting the House-passed CR. Not only does it defund this terrible law, it does not increase government spending by a penny, and it keeps the government from shutting down, which nobody wants. It does something else—and this is really important—it puts the focus right where it belongs: on the Democrats who voted for and continue to support ObamaCare. Once we invoke cloture, the focus will then turn to our friends on the other side of the aisle, the Senate Democrats. The majority leader is counting on his Democratic allies to amend the bill. He can only afford to lose four Democrats—just four—if he wants to restore funding for ObamaCare. So if five Senate Democrats vote against the majority leader, ObamaCare will be defunded. That is a vote we should have and in all likelihood will have.

Democrats have been hearing the same complaints about ObamaCare that the rest of us have. The spotlight—the spotlight—really should be on them. This is a rare opportunity to defund the law with a simple majority—a simple majority to defund ObamaCare. We should have that vote. I just do not happen to think filibustering a bill that defunds ObamaCare is the best route to defunding

ObamaCare. All it does is shut down the government and keep ObamaCare funded. And none of us want that. That would be the results of filibustering.

Four years ago every Democrat voted for this bill and had the excuse that they did not know how it would turn out. Well, they do not have that excuse now. I think we deserve to know where they stand now. Four years ago every Senate Democrat worked to jam this bill through the Senate, over the loud objections of their constituents. As the implementation of this law proceeds, their constituents remain just as angry about it, and it is important for their Senators to go on record once again. We are giving them a do-over—a second chance, if you will. Do they stand with the people of their States, who do not want this law to be implemented, or did they double down on this failed experiment? That is the question.

Everybody knows where Republicans stand on this issue. We may be divided on some things. We may not always agree on tactics. But on the question of repealing ObamaCare, we are totally united.

This law should be defunded. That is what the House bill does. That is why I plan to support it. But if we are going to repeal ObamaCare, we are going to need some Democratic votes to do that. That is the only plan I have seen in this debate that will actually get us to our common goal of undoing the law.

For the sake of our constituents, we need to unite to achieve it. So this morning I would like to make a plea to our friends on the other side: Join us in taking it off the books and replacing it with the kind of commonsense, step-by-step reforms that lower costs and that Americans will actually embrace. 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, the Senate will be in a period of morning business until 11:15 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak, though the minority has this first half, and ask the 10 minutes I speak be taken off the majority time at the end of morning business.

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

OBAMACARE

Mr. DURBIN. Mr. President, I listened closely to the statement made by

Senator McCONNELL of Kentucky, the Republican Senate leader. I applaud him and other Senators who have spoken out against the so-called filibuster that has been initiated by the Senator from Texas and at least one other Senator.

It is not technically a filibuster, as Senator REID said, but the object is to slow down the business of the Senate and it is somewhat similar to a filibuster. We are going to have that occur today when Senator CRUZ takes the floor this afternoon to state his position that we should shut down the government if we fund ObamaCare.

That, to me, is an irresponsible position. It is irresponsible because the Senators who support the House position are playing high stakes poker with other people's money. To shut down the government is disastrous, not only for hundreds of thousands of Federal employees who do important work to keep America safe and to keep us a leading nation on the economy but also because it is at the expense of American jobs.

When Senator REID, the Democratic leader, came to the floor and read a statement from the Business Roundtable, he was reading from the strongest business group that usually, without fail, supports Republicans. That group put out a statement yesterday—the Business Roundtable, the leading business executives in our country—that to shut down the government or to fail to extend the debt ceiling is devastating to our economy. The words they used were “calamitous” and “catastrophic.” That is how they described the Republican strategy, which Senator CRUZ and others are bringing to the floor of the Senate today—catastrophic, calamitous.

Why in the world would we have the self-imposed crisis created by the threats of the House Republicans on the floor of the Senate today? They are entitled to a debate. They are entitled to state their position. That is their right as Senators representing their States. But they are not entitled to damage our economy and hurt innocent people and shut down the government. That is a petulant political position.

What we need to do is take a more positive approach to governing this country. Senator McCONNELL also talked about ObamaCare, known as the health care reform bill, one of the most important bills the Senate has passed in modern times and one I was proud to support.

What he is basically calling for is the repeal of ObamaCare. What the Republicans are calling for is to repeal, for example, that provision in ObamaCare which says that health insurance companies cannot discriminate against people with preexisting conditions. If you happen to be in a family with a child who has diabetes, it may be impossible for you to buy health insurance under the old law. Under ObamaCare, your family cannot be dis-

criminated against. The Republicans want to eliminate that provision of ObamaCare when they call for abolishing that program.

Secondly, when they defund and eliminate ObamaCare, they are going to change that provision which guarantees there will be no limits on our health insurance policy coverage. Who knows what tomorrow's diagnosis will bring, what bills it will bring our family. But some health insurance policies have a limit on what they pay. When that limit is reached, people face bankruptcy and worse. ObamaCare stops that from happening. The Republicans want to repeal that.

ObamaCare also says that if your young son or daughter, fresh out of college, is looking for a job and has not found one, they can stay on your family health insurance plan until age 26. The Republicans want to repeal that, leaving more and more young people—millions across America—vulnerable without the protection of health insurance.

When it comes to Medicare prescription Part D, seniors, because of the so-called doughnut hole, were paying sums out of their own savings, their meager savings, and out of their own pockets, for prescription drugs. ObamaCare fills that doughnut hole and gives those seniors more peace of mind when it comes to prescription drugs. The Republicans want to repeal that help for our senior citizens.

Finally, they want to repeal the insurance exchanges. Today, every Member of Congress who uses the health insurance available to us as Senators and Congressman is part of the Federal Employees Health Benefit Program. Each year Senators, Republicans and Democrats, have an opportunity under an insurance exchange to pick the plan best for their family. That privilege is something we appreciate and want to make available for everyone across America. That is what ObamaCare does. The Republicans want to repeal it. Republican Senators want to keep using the insurance exchange for their families and their benefit. They do not want to extend to it our families across America. That is what repeal of ObamaCare would do.

Those are the specifics. For Senator McCONNELL to come to the floor and challenge those of us who voted for ObamaCare as to whether we still stand by it, I do. Is it perfect? Of course not. There are changes that can be made to this law and should be made but in a constructive and positive fashion. This is not just about the peace of mind of people, families and businesses and others when it comes to health insurance, it is about our deficit. If we took the Republican approach of doing nothing when it comes to the cost of health care, sadly, we are condemning ourselves to deficits as far as the eye can see.

Sixty percent of our deficits and looming national debt relates to the increased cost of health care. If we took