



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, THURSDAY, SEPTEMBER 26, 2013

No. 129

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

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

Let us pray.

God of love and light, You never fail those who trust You. As people make contingency plans for a possible government shutdown, give us Your grace in our difficulties, enabling us to rest in the assurance of Your wisdom and love.

Lord, when our Senators have done their part in all honesty and diligence, may they resolutely commit themselves to the unfolding of Your loving providence. Teach them to say even in dark seasons: Father, let Your will be done. Forgive us our penchant for division, as You stir our hearts to look for common ground.

We pray in Your merciful 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 legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, September 26, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ 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

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will resume consideration of the continuing resolution. At 10:30 this morning, after Senator MCCONNELL and I finish our remarks, the majority and the Republicans will control alternating 1-hour blocks of time, with the majority controlling the first hour.

I filed cloture last evening on the continuing resolution. As a result, the filing deadline for all first-degree amendments to the resolution is 1 p.m. today. Absent consent, the cloture vote will occur 1 hour after the Senate convenes tomorrow, Friday.

Mr. President, as I said yesterday—I tell everyone here again today—we know what the end is like. We can finish this sometime Saturday, but it would seem to me that we should do everything we can to get this back to the House as quickly as we can. So it would be my suggestion that—we have the ability to wrap this up today. I would suggest that would be the best thing to do, but it is up to my Republican colleagues as to whether they will let that happen.

GOVERNMENT SHUTDOWN

Mr. REID. Mr. President, yesterday I warned of the economic consequences

if a few extremist Republicans force a government shutdown. Already, the stock market has slipped, and that is an understatement. Five days in a row—the longest continuous period since 2012—the stock market has gone down, and they all say it is the result of the fear of the government shutting down. And why should the financial markets feel any differently? People are still speaking about closing the government.

Now, the talk by a few Republicans over here has stopped the last 24 hours, but they over there are taking up where the long talk over here ended: Close the government. The tea party is still insisting on a shutdown. It is hard to comprehend, but it is true.

The dark consequences do not end just by saying that. If the Federal Government closes its doors, seniors applying for Social Security will not be able to apply. Veterans applying for disability will not be able to apply. They would be forced to wait until the Federal workers return to their posts. The FBI, because of sequestration and other anomalies we have around here, is talking about furloughing their employees, closing their offices 1 day a week. Across the country, mortgage loans and small business loans would be delayed. Members of the military will be forced to defend this country without even a paycheck as thanks. Billions of dollars will drain from the economy every day the government is closed for business.

This is not hyperbole, not conjecture. It is the truth. If you look back at history, it pretty well determines where you are on a given day, and if you look back to when Newt Gingrich and the Republicans controlled Congress—the House of Representatives—they shut down the government in 1995 because President Clinton would not meet their every demand, and it cost the country tens of billions of dollars.

So yesterday I urged Republicans to consider the impact of a shutdown on

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



Printed on recycled paper.

S6905

the recovery. But the economic price of shutting down the government should not be the only thing keeping the Republicans up at night; they should worry about the political consequence as well.

Mr. President, we are all politicians, all 100 of us. A brandnew poll—CBS, a respected organization—says 80 percent of Americans—that is almost as much as favor background checks on guns—80 percent of Americans—you rarely get 80 percent of Americans to agree on anything, but they agree that those who want the government to be held hostage to extract these concessions are people they will not vote for. Seventy-five percent of Republicans feel that way in this poll.

So those of us who remember the government shutdowns of 1995 and 1996 know the story did not end well for Republicans. Just ask Charles Krauthammer. There is no more respected conservative—really conservative—columnist than Charles Krauthammer. He has penned a conservative column for the Washington Post since the 1980s. Here is what he wrote just a week or two ago:

Every fiscal showdown has redounded against the Republicans. The first, in 1995, effectively marked the end of the Gingrich revolution.

That is a direct quote.

As they did in the 1990s, today's radical Republicans have called for concessions they know we will never agree to. Senate Democrats will not agree and the President will not agree. The Senate will never pass, nor will President Obama sign, a bill that guts the Affordable Care Act and denies millions of Americans access to lifesaving health care.

The statement made by JOHN MCCAIN yesterday said it all. He has some credentials to talk about that. He was the Republican nominee for President of the United States. He did not like what happened with health care, and he talked about it here. He wished it had not passed, but it passed. He said it was a fair fight and he and the Republicans lost. Move on to something else is what he said.

The Senate will never pass, as I have indicated before, a bill that guts the Affordable Care Act, ObamaCare. Tea party Republicans have demanded the impossible and vowed to shut down the government unless they get it.

Mr. Krauthammer and I do not agree all the time, but he aptly measured the fallout from the shutdowns of the mid-1990s and correctly predicted a similar result from a modern shutdown—a modern shutdown. He wrote what nearly two dozen mainstream Republican Senators have also said: "This gambit is doomed to fail."

He also wrote:

This is about tactics. If I thought this would work, I would support it. But I don't fancy suicide. It has a tendency to be fatal.

That is an understatement.

I commend Republican Senators who have spoken in favor of reason, and you

cannot imagine how satisfied I am because that is how we used to get things done here. I can look back at John Breaux from Louisiana. If he thought we were not doing enough on this side of the aisle, he reached out to Republicans and worked something out.

So what Republican Senators have said in the last few days is really important. They have spoken out for reason, calling the tea party's shutdown ultimatum a "box canyon," a "suicide note," and "the dumbest idea ever." Although these reasonable Republicans dislike ObamaCare as much as their more radical colleagues, they also realize the futility and the danger of political hostage-taking. They know this country cannot be governed by one faction of one party on one side of the Capitol. Governing must be a cooperative effort that sets aside ideological or parochial concerns in favor of what is best for the Nation, for the economy, and for middle-class families.

On November 14, 1995—the first day of the first government shutdown—President Clinton urged Republicans in Congress to govern with him instead of fighting against him. This is what he said:

There is, after all, a simple solution to the problem. All Congress has to do is to pass a straightforward bill to let government perform its duties and pay its debts. Then we can get back to work and resolve our differences . . . in an open, honest, and straightforward manner.

Mr. President, every Thursday when we are in session, I do a "Welcome to Washington." A lady from Boulder City, NV, came up to me. She said: I work for the Park Service, and we are so afraid. At the Park Service, we don't know what we are going to do. The last time there was a government shutdown, the parks closed. There is so much confusion. That is the way it is throughout government.

So I offer today the same advice that President Clinton gave in 1995. Let government perform its duties. The way out of this predicament is as simple today as it was in 1995. So again I invite my Republican colleagues to return with me to the time when we worked to resolve our differences in an open, honest, and straightforward manner.

Mr. President, I am going to take a few minutes. I apologize to my Republican counterpart, but we have to understand, the American people have to understand the seriousness of what is going on around here.

Tom Friedman wrote yesterday in his op-ed piece—he is a renowned syndicated columnist. He has won three Pulitzer Prizes. He has had six or seven best-selling books. I am not going to read everything he wrote, but I want to read a little bit that he wrote yesterday.

The Republican Party is being taken over by a Tea Party faction that is not interested in governing on any of the big issues—immigration, gun control, health care, debt and taxes—where, with just minimal compromises between the two parties, we'd am-

plify our strengths so much that we'd separate ourselves from the rest of the world. Instead, this group is threatening to shut down the government and undermine America's vital credit rating if it doesn't get its way.

This kind of madness helped to produce the idiotic sequester—the \$1.2 trillion in automatic, arbitrary and across-the-board budget cuts from 2013 to 2021—that is already undermining one of our strongest assets.

And here he goes:

Ask Dr. Francis Collins, the director of the National Institutes of Health, the crown jewel of American biotech innovation. In fiscal 2013, the sequester required the N.I.H. to cut \$1.55 billion across the board: 5 percent at each of its 27 institutes and centers, irrespective of whether one was on the cusp of a medical breakthrough and another was not. "There was still an ability within each institute to make adjustments, but, as N.I.H. director, I could not decide to emphasize cancer research and down modulate something else," Collins explained.

Because of the sequester and the fact that the N.I.H. budget has been losing ground to inflation for 10 years, "we will not be able to fund 640 research grants that were scored in the top 17 percent of the proposals we received," said Collins.

He goes on to say:

"They would have been funded without the sequester, but now they won't. They include new ideas on cancer, diabetes, autism and heart disease—all the things that we as a country say are a high priority. I can't say which of those grants would have led to the next breakthrough, or which investigator would be a Nobel Prize winner 20 years from now."

Of those 640 top research proposals, 150 were from scientists financed in a previous budget cycle who had returned to the N.I.H. to secure another three to five years of funding—because they thought they were really on to something and a peer review board agreed. "Now we are cutting them off," said Collins, "so you damage the previous investment as well as the future one."

In 2014, the N.I.H. was planning to offer new money to stimulate research proposals in a dozen areas including how to speed up the use of stem cells to cure Parkinson's and other diseases, how to better manage pain in sickle-cell disease, and how to improve early diagnosis of autism. All were shelved because of the sequester, said Collins: Why ask people to submit applications we would just have to turn down.

In addition, in 2013, the N.I.H. had to turn away from its research hospital 750 patients who wanted to be part of a clinical trial for disorders for which medicine currently has no answers. America's biomedical ecosystem depends heavily on N.I.H. doing basic research the private sector won't do.

So we're cutting the medical research that has the potential to prevent and cure the very diseases that are driving health care costs upward.

In short, we're cutting without a plan—the worst thing a country or company can do—and we're doing it because one of our two parties has been taken over by angry radicals and barking fools and the old leadership is running scared. But when the Republican Party goes this far off the rail, it isn't even remotely challenging President Obama to challenge his base on taxes and entitlements.

And thus does a great country, with so much potential, slowly become ungreat.

Not only do we have sequestration, now they want to do even more and shut the government down and not extend the debt ceiling. This is a say bad time for America. I hope people come to their senses.

RECOGNITION OF THE MINORITY LEADER

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

OBAMACARE

Mr. McCONNELL. Mr. President, later this morning in Maryland, the President will try again to sell his namesake health care plan to an increasingly skeptical public. He will claim that Americans will have lots and lots of options under ObamaCare. Unfortunately, keeping the plan you have and like will not be an option for a great many Americans.

It must be frustrating for the President that folks keep tuning out all of this happy talk. It is not hard to see, frankly, why Americans are not buying the spin. Over the past couple of years, I have participated in more than 50 health care town halls in my home State. I have met with health care professionals, doctors, and nurses. I have met with patients, and I have met with everyday Kentuckians, folks who are just concerned about providing health care for their families.

Many of the Kentuckians I have met with are a lot more knowledgeable about ObamaCare than the Washington intelligentsia might like to assume. In fact, more than a few of them seem to know more about the law than some of my colleagues who rammed it through Congress. Let's be clear. A person does not need a Ph.D. to understand that a law that drives costs up rather than down is a bad deal.

Kentuckians understand that the new government bureaucracies are less likely to lower costs and improve care than they are to just simply get in the way. So it is for these and so many other reasons that Kentuckians and people across this country are rightly concerned about ObamaCare.

Two nights ago, I had another great opportunity to connect on this issue with Kentuckians via a tele-town hall. I will tell you, the good people of my State are as concerned about this law as ever. One woman who participated said she thought she had been making it, but reports that she will now be forced to get a second job due in no small part to ObamaCare.

I have received more than 50,000 letters from constituents frustrated by ObamaCare as well. Single parents want to know what they are supposed to do when their hours are cut. Families want to know why Washington is OK with their insurance premiums going up by double digits. Small business owners want to know how they are ever going to comply with more than 20,000 pages of regulations. They want to know how they are going to be able to keep their employees insured, workforces growing, businesses expanding, and far too often, their doors open once this law comes on line.

One Kentuckian from Henderson wrote to me about the small trucking

business she and her husband own. They have got 13 employees, and they have always provided insurance for all of them. But their agent recently told them their premiums would go up, a 100-percent increase in premiums. Here is what she wrote to me:

We can't afford this, even if we raise the portion the employees pay. Then they wouldn't be able to afford it.

That was the experience reported to me by a woman and her husband running a small business in Henderson. These are the utterly predictable consequences of a law rammed through by a Democratic majority over the objections of the American people early on a cold, dark, Christmas Eve morning.

Until a few brave Democrats join our united Republican conference in voting to get rid of ObamaCare and starting over with a real bipartisan reform, we are going to continue hearing this same heart-wrenching stories over and over again.

We are going to keep seeing articles like the one that appeared earlier this week in Politico. It is titled, "Obamacare: One Blow After Another." I want to read the opening paragraph:

The ObamaCare that consumers will finally be able to sign up for next week is a long way from the health plan President Barack Obama first pitched to the nation.

Among other things the story notes that "millions of low-income Americans will not receive coverage" and "a growing number of workers won't get to keep their employer-provided coverage." Just yesterday, we heard the District of Columbia's exchange hit a huge bump in the road just days before launch. I would not be surprised if we see more stories of these types of problems popping up all across our country.

Let's talk about premiums too. A few weeks ago one veteran at a town hall wanted to know how this law could possibly be free. This veteran said: How can it possibly be free? Well, of course it is not free. He was right. Premiums are part of that story. Based on the administration's own data, along with some intrepid reporting, here is how much more a single 27-year-old can expect to pay under ObamaCare in Columbus, OH: 436 percent increase, for a 27-year-old under ObamaCare in Columbus, OH.

In Charlotte, NC, it is 523 percent; Little Rock, 613 percent more, 613 percent. Imagine for a moment. You are 27. You have done everything right. You have studied hard, graduated from college. You have student loan debt, car payments, car insurance payments, utility bills, rent, renter's insurance, 401(k) contributions, and health insurance, of course. Then there is gas, food, and maybe just maybe, occasionally having a little bit of fun.

Then you lose your employer-sponsored health plan thanks to ObamaCare. You get dumped into the exchanges. So jack up those monthly health insurance payments by 300, 500, even 600 percent. What are you supposed to do now, go uninsured and pay

penalty taxes? Stop contributing to your retirement account? You cannot very well give up the car you need to get to work, or food, or paying back your student loans.

None of this is a good option. They are not good for our society either. We should not be setting up disincentives for 27-year-olds to insure themselves or contribute to their own retirement. But this is the incentive structure that ObamaCare creates. When you consider how hard the Obama economy has hammered millennials already, it is hardly fair to whack them again, especially when so many are just barely hanging on as it is.

So this law is a mess. It needs to go. It is way past time to start over. As I have been saying all week, we need just five brave Democrats to join us to make that happen. So I hope some of our Democratic friends who voted for this law will look at themselves in the mirror and think, truly think, about whether protecting the President's pride is really more important than helping the American people, because we owe our constituents better than ObamaCare.

We can do better. With your help we can do that. With your help we can start over with the kind of real bipartisan reform that Kentuckians and Americans are actually hoping for.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2014

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H. J. Res. 59, which the clerk will report by title.

The legislative clerk read as follows:

A joint resolution (H. J. Res 59) making continuing appropriations for fiscal year 2014, and for other purposes.

Pending:

Reid amendment No. 1974, to perfect the joint resolution.

Reid amendment No. 1975 (to amendment No. 1974), to change the enactment date.

Reid motion to commit the joint resolution to the Committee on Appropriations with instructions, Reid amendment No. 1976, to change the enactment date.

Reid amendment No. 1977 (to (the instructions) amendment No. 1976), of a perfecting nature.

Reid amendment No. 1978 (to amendment No. 1977), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, the time will be controlled in hour increments, with the majority controlling the first hour and alternating thereafter.

The Senator from Washington.

Mrs. MURRAY. Mr. President, the families that I talk to in my home