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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

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

Let us pray.

Spirit of God, descend on our hearts, for apart from You life is a tale full of sound and fury signifying nothing.

May our Senators walk in Your ways, keeping Your precepts with such integrity that they will never be ashamed. Lord, incline their hearts to Your wisdom, providing them with the understanding they need to accomplish Your purposes in our world. Let Your mercy protect them from the dangers of this life, as they learn to find delight in Your commandments. Keep them ever mindful of the fewness of their days and the greatness of their work.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THANKING THE PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, before the esteemed senior Senator from Vermont leaves the floor, I want to say a few words.

I appreciate the guidance and leadership my friend has given over these many years in leading the Judiciary Committee. It is a committee where most all of the legislation is funneled,

and what we have focused on in recent months is the problem we have with judges.

Yesterday my friend did a remarkably good job in leading a precedent indicating the issues we have with the DC Circuit, and I so appreciate his leadership on this issue and all the other issues on which the Judiciary Committee works. It is too bad we cannot have the Judiciary Committee as it was in our earlier years in the Senate where the productivity of that committee is not thwarted by not being able to bring items to the floor.

The Judiciary Committee has a wide range of jurisdiction over matters that are so important to our country, such as our national security agencies and cyber security. There is a multitude of issues the Judiciary Committee deals with, and I wish we could be doing more legislation on the floor which comes from that committee.

I wanted to extend my appreciation to the Senator for the good work he has done, and I also want to send accolades to the people of Vermont for having this good man leading the Senate in many different ways, not the least of which is being the Senate President pro tempore.

DRUG SAFETY

Mr. REID. Mr. President, the symptoms of fungal meningitis can be very subtle at first: headaches, fever, even light can start bothering people, as well as neckaches and backaches. The disease can also cause strokes, seizures, and even coma.

Fungal meningitis led to the death of at least 64 unfortunate Americans when they were injected with a contaminated medicine. The medicine—a steroid injection used to heal back pain—was tainted by unsanitary conditions from a facility that was masquerading as a compounding pharmacy in Massachusetts. The true compounding pharmacies provide cus-

tom-made medications for patients with unique health needs that cannot be treated by off-the-shelf prescription medicines. This practice is essential and can be critical for children, cancer patients, and people with severe allergies.

The contaminated medicine mixed at the New England Compounding Center was sent to scores of medical facilities in 23 different States and given to 14,000 patients. As I have indicated, 64 of them died and hundreds of those patients were seriously ill.

Recently a heart medication mixed at the same pharmacy was linked to the death of two young Nevada boys, ages 4 and 6, according to a lawsuit filed by their parents.

The New England Compounding Center was skirting Federal regulations and manufacturing large batches of drugs for mass distribution in very unsanitary conditions. By avoiding the safety inspections required of large-scale drug manufacturers, companies such as this one can boost profits, but in the process they risk lives.

The legislation on the floor will end that dangerous practice and ensure that patients have access to high-quality custom medications. This is not a contentious issue. On the contrary, this legislation has wide bipartisan support—led by HARKIN and ALEXANDER—and would pass by a wide margin in mere moments if not for the stall tactics by a few Republican Senators. This bill has already been delayed for more than a month because of these tactics, and Republicans continue to insist on running out the clock on this matter.

As everyone knows, if all time is required on the procedural issues, we will not be able to finish the bill until this Sunday—that includes working Saturday—and the final 30 hours won't run out until sometime on Sunday. It is time to dispense with this non-controversial measure—a measure that will safeguard the lives of vulnerable

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



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Americans, people with back pain and other maladies—and move on to other important legislative priorities.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. MARKEY). The Republican leader is recognized.

HEALTH CARE

Mr. McCONNELL. Mr. President, one of the favorite pastimes of politicians in Washington is to talk about how frustrated the American people are with politicians in Washington. After the past few weeks, it is easy to see why. I am talking about the President's promise, repeated dozens of times, that if you like your health care plan, you can keep it, and the sobering realization by literally millions of Americans is that it was not true.

Some of the top fact checkers in the country have used terms such as "pants on fire" and "false" and "four Pinocchios" to describe the claim that under ObamaCare folks would be able to keep their plans.

In a matter of weeks, it has gone from being one of the law's top selling points to a national punchline. If millions of people were not so frustrated and upset by it, it might actually be funny, but it is not the least bit funny.

At this stage about 50,000 folks are believed to have signed up for insurance on the Federal exchange—way below administration estimates. That is 50,000 folks who have signed up for insurance on the exchange, while 3.5 million Americans have lost their health care coverage. In other words, about twice as many folks have lost their insurance in the State of Idaho alone since October 1 as have obtained health insurance across the entire Federal exchange all across America. So this is a real crisis.

In my home State of Kentucky, over a quarter of a million people have lost their private health care plan so far and only about 7,000 Kentuckians have been able to obtain new private insurance under ObamaCare. If you consider that Kentucky received \$250 million in taxpayer funds to get ObamaCare up and running, that works out to about \$35,000 per private insurance enrollee, and that is before the taxpayer subsidies kick in.

We have literally thrown untold millions at this disastrous rollout, and what do we have to show for it? Millions of people losing their coverage despite assurances from the President they would be able to keep it. He said they would be able to keep it, period. That is what the President said.

Let's be very clear about something. These insurance cancellations are not any kind of an accident. This is no accident. It is the way the law was designed. Remember, in order for ObamaCare to work, millions of Americans had to lose the coverage they pur-

chased on their own so the government could dump them into the ObamaCare exchanges. That way the government could then get them to pay more to subsidize coverage for everybody else. That is the way this was designed to work.

The 31-year-old dentist from Louisville whom I mentioned last week—the one who is not married, has no kids—now has to carry pediatric dental care on his plan. He is one of the unfortunate ones subsidizing care for everybody else.

Despite the fact that the President and other supporters of the bill vowed up and down that folks would be able to keep the health care plan they had and liked, the fact is that was never true. It was never true and they knew it. They knew folks would lose their coverage. They knew it all along. Just as the President once famously predicted that utility rates would necessarily skyrocket as a result of his cap-and-trade policy, so too would health care rates skyrocket under ObamaCare. The only difference is that on health care, Democrats apparently knew they could not tell people how it would all shake out in the end, but they knew. That is why in 2010 every Democrat who was in the Senate voted against a Republican proposal designed to hold the President to his word.

The fact is the President's health care law was designed to capture millions of middle-class Americans, jack up their premiums, and use the extra cash to keep ObamaCare afloat. This is not some unforeseen consequence of the law, it is the law. It is working just as they designed it—just like what they voted for.

It is hard to take seriously this faux outrage we have seen of late from some of our Democratic friends. As for the President, this should be no great revelation to him either. Just the other day the media pointed out that the administration knew for years that Americans would lose coverage.

But there is something else.

At a bipartisan health care summit in 2010, the President was asked directly about this kind of thing by House Majority Leader CANTOR. In reply, the President admitted that 8 million to 9 million would have to change coverage and justified it on grounds they would be getting better coverage from the government once they lost it. So the President actually admitted during that event that millions would lose their health care and still went out on the campaign trail claiming Americans could keep the health care plans they had.

This is why Americans feel so hurt by this particular broken promise. And what many of them want to know is why would Washington Democrats persist with it even after it became clear it was false?

I think the reasons are simple enough. One, they needed to pass the ObamaCare bill; and, two, they needed to sell it to a skeptical public. And nei-

ther would have been possible without it.

If the President had gone out and told people that if he likes your plan, you can keep it—if the President had said if he likes your plan, you can keep it—it would have never passed. That is why the President's so-called apology the other night rang so hollow for so many.

ObamaCare's problems run so deep and the broken promises are so pervasive that it is impossible to identify an "easy fix." It truly ought to be repealed or delayed. But if the President is sorry for breaking his promise to the American people, there is a natural place to start. He could support legislation that would help restore the plans for the folks who want them back, and he can act on it as early as this Friday. That is because the House is expected to send over a bill that would allow Americans to keep the plans they have and want to keep. There is no reason the President and Senate Democrats should not join Republicans and the American people in supporting it.

This does not have to be a partisan battle. These cancellations have not discriminated based on party. The people out there who are frustrated and upset at losing their health care plans are Democrats and Republicans. The President can help all of them by backing the bill the House is expected to pass on Friday.

I think that is basically what President Clinton was suggesting yesterday when he said the President should honor the commitment the government made to these folks, even—even, said Bill Clinton—if it means changing the law.

I have had a lot of disagreements with President Clinton over the years. But at key moments he was willing to cross party lines, and I think here is a moment where the American people are expecting President Obama to do the same. Allowing Americans to keep their health plans is a promise Democrats made over and over.

Whether or not they meant it, Democrats promised this to the American people, and it is their duty to make good on what they said. Once the House acts, my conference will be watching closely to see whether the Senate Democratic majority allows a vote and will help us send a bill to the President's desk. The American people will be watching closely as well.

So my message to the President is simple: Mr. President, our constituents are frustrated and they are upset. You could help. Do the right thing.

CONGRATULATING FORD MOTOR COMPANY

Mr. McCONNELL. Mr. President, Ford Motor Company has a proud 100-year history of manufacturing in Kentucky. Today the company announces a new model to be constructed in its Louisville assembly plant, further employing yet another generation of Kentuckians.