



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 113<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, TUESDAY, NOVEMBER 19, 2013

No. 165

## 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.

Holy God, You make the clouds Your chariot and walk upon the wind. We see Your works in the rising of the sun and in its setting. For the beauty of the Earth and the glory of the skies, we give You praise.

Today, make our lawmakers heirs of peace, demonstrating that they are Your children as they strive to find common ground. May they take pleasure in doing Your will, knowing that by so doing they are fulfilling Your purposes in our world.

Lord, You are never far from us but often we are far from You, so show us Your ways and teach us Your paths. Thank You that Your mercy is from everlasting to everlasting upon those who come to You with reverence. May Your glory endure forever. 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.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, the Senate will be in a period of morning business for 1 hour. The time will be equally divided and

controlled between the two leaders or their designees.

Following morning business the Senate will resume consideration of the National Defense Authorization Act.

The Senate will recess today from 12:30 until 2:15 to allow for our weekly caucus meetings.

We will work on amendments to the Defense bill today. Everyone will be notified when votes are scheduled.

### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REID. Mr. President, today we are going to continue work on the Defense bill. It is really an important measure, and that is an understatement. It safeguards this Nation. It ensures our troops have the resources and training they need. It provides for military families who support our fighting men and women. This is a serious bill, and it deserves serious debate—not to be bogged down by unrelated political issues.

For example, this legislation encompasses a lot of issues, including a pay raise for members of our Armed Forces. It authorizes dozens of special pay rates and bonuses, such as bonus payments for servicemembers who see combat or who are stationed overseas.

This important legislation also includes robust and far-reaching provisions to combat the scourge of sexual assault in the military, including changes that would ensure perpetrators are punished and victims are protected. Senators LEVIN, GILLIBRAND, MCCASKILL, and others have done exceptionally good work to confront this problem. As we build on their work, there are additional amendments concerning military sexual assault the Senate needs to consider.

The Senate must also consider amendments relating to the Guantanamo Bay detention center. Everyone is aware that we cannot complete this bill until we vote on the sexual assault and Guantanamo provisions.

I know this bill has a lot of provisions people would like to change. Frankly, we won't be able to change a lot of it. The committee did really good work in coming up with the bill. The two issues I have just talked about, though, must have votes. I would accept the language in the Defense bill as it relates to Guantanamo; I think it is a significant improvement. But my Republican colleagues want to have an opportunity to change that, and I understand that. That is why I said that should be the first measure we vote on. I have said that more than once, and I say it again.

The matter dealing with sexual assault is a controversial matter, and we have to have a vote on that. We have to do that. That is why I said that is the second most important issue we deal with in this bill.

Why couldn't we get these two important issues out of the way? I am speaking only for myself. If we have votes on those two measures, I think the bill would be ready to go to conference. I know people don't like to hear that, but I think that is, in fact, the case.

The time, effort, and wisdom led by Senator LEVIN to come up with a bill, working with the new ranking member Senator INHOFE has been a labor of love for both of them. But these two issues need to be resolved on the Senate floor. I ask that it be done.

I asked last night by unanimous consent to get these things done, but there was objection from my Republican colleagues. So if we can't vote even on these amendments to these two crucial issues—and I know there are other issues, but no one can in any way disparage what I have just said, that these are two very important issues. Everyone, I think, agrees they have to be considered before we can complete the work on this underlying legislation. So if we can't get these two votes done, how are we going to address any of the other issues we need to work on?

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



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Maybe I shouldn't be optimistic, but I can be hopeful that we will be able to schedule votes on these amendments soon. In the meantime, Senators should not wait to debate these issues. Let's take just these two issues until we schedule votes on these amendments. Senators should come to the floor to speak on the issues now. There is a limited time to complete this bill before the Thanksgiving holiday, and Senators should use that time wisely to engage in meaningful debate.

I am totally aware of the number of Senators who wish to offer amendments on other issues as well, both defense-related and otherwise. So Senators should file their amendments, and I hope we can figure out a way to have a robust amendment process. However, we cannot allow this important legislation to be sidetracked by debates on amendments unrelated to our Nation's defense.

Our Nation's defense is a relative term and some people have different ideas as to what that should mean. But the United States has passed this bill for more than half a century. This is a sign of respect for this institution and for the people this legislation represents—our Nation's Armed Forces. So let's give this bill the respect it deserves.

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#### NOMINATIONS

Mr. REID. Mr. President, it is hard for me to find the words to express my disappointment for our country in yesterday's vote on another person to go to the DC Circuit Court of Appeals.

The last three people have been filibustered, and they are good people. They are qualified. Their records are outstanding for their work in the courts—scholastically brilliant, every one of them. But Republican obstruction has become endemic in the Senate over the last five years, grinding the work of this institution to a halt, threatening the integrity of this institution and damaging our country. No President should have to put up with what President Obama has had to put up with.

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### HEALTH CARE

Mr. MCCONNELL. Mr. President, over the past few weeks, we have seen vivid, painful confirmation of the predictions that many of us made about ObamaCare. Most notable among them, perhaps, was the President's often repeated promise: "If you like your plan, you can keep it." "If you like your plan, you can keep it," he said. But we were always doubtful that could possibly be true.

This was always what Democrats thought they had to tell the American people in order to muscle ObamaCare into law. They knew it wouldn't work otherwise. They knew the truth would not sell and, of course, that is all coming out now.

But we are also learning a lot of other very unsettling things about this law, such as the fact that a lot of things that were working well in our health care system are now being thrown out for no good reason by the same people who brought us the ObamaCare Web site.

High-risk pools are a good example. About three dozen States set up these kinds of pools to ensure Americans with serious medical conditions, such as those suffering from diabetes and heart disease, would have a place to turn. High-risk pools have often proved successful and popular among the communities they serve. They currently provide insurance to hundreds of thousands of Americans, including thousands of Kentuckians, nearly all of them with preexisting conditions—the very people the law was supposed to help. These folks benefit from this coverage and many want to keep it. Unfortunately, that would no longer be possible under ObamaCare. Nearly all of them will lose their coverage at the end of the year.

Just as millions of other Americans across the country, folks who like the coverage they have in these high-risk pools—and remember, I am talking about some of the most vulnerable people in our society—are now discovering they won't be able to keep it, either, despite what the President told us again and again. As it turns out, the folks who ran this law through Congress think people in these high-risk pools belong in ObamaCare instead. They don't think it matters whether my constituents want to get dumped into ObamaCare or not; they made that decision for them.

A lot of folks in Kentucky don't think this is right and they are upset, and not just because they are losing their plan and all the hassle and complication that involves. For many of these folks, the plans they are being forced into have more limited hospital and doctor networks than the plans they currently have. As one State official recently put it, "If you're in the middle of chemotherapy, the last thing you want to do is switch oncologists."

We seem to see these kinds of stories just about every day now. There is the North Carolina woman with a severe heart condition who said she didn't know if her cardiologist and her procedures would be covered under ObamaCare. Here is what she said: "It's . . . the uncertainty that gets to me." There is the breast cancer survivor and her husband who have been paying about \$800 a month for premiums in a high-risk pool. After that policy was canceled, they expected lower rates under ObamaCare. Instead, they found their premium and deductibles could actually be going up.

This is scary stuff. But these are the real-life consequences of ObamaCare. This is no longer some theoretical policy discussion. I would suggest that as we contemplate the future of this law, our Democratic friends should start paying closer attention to stories such as these because it is not enough to have a messaging strategy and to play the old Washington game by trying to weather the PR storm until folks move on.

These stories we are hearing from our constituents are literally heart-breaking. This is not some hassle to move past. It is a problem to solve. It is what we were sent here for, and it is what health care reform should be about—about helping folks, not hurting them.

We do not need to get past this news cycle, as some of the White House spinners seem to think. What we need to get past is a White House mentality that told us last week that passing a bill to codify the very promise the President made to sell the bill would gut ObamaCare. We need to get past a mentality that caused the President to issue a veto threat on a law that would let him keep his promise to the American people about keeping the health care plans they have and like.

It is almost comical watching the contortions the administration is making trying to explain this fiasco away. Over the weekend we learned through a White House leak to the Washington Post that the President's new definition of success for the ObamaCare Web site is four out of five users making it through the checkout line—four out of five users making it through the checkout line. Who thinks that is acceptable? I certainly do not, and I cannot think of anybody outside the White House compound who will think that is acceptable either.

Frankly, if this is the President's way of restoring credibility on this law, by leaking that the Web site will not even work for one out of five users just a few days after vowing it would soon be up and running like a top, well, he has some work to do. The bar for clarity, honesty, and success under ObamaCare has sunk to new lows.

Look, if you are being treated for cancer and about to be dumped into ObamaCare, the last thing you want to hear is that leaving one out of five people behind is now considered an ObamaCare win. We are talking about people's lives here. This kind of mindset—whether we are talking about a Web site or anything else—is deeply worrying.

But then again this has always been the problem with blind faith in massive government programs. It is the old idea that we should not let the evidence get in the way of a good theory. That is the mindset the supporters of this law are stuck in right now—just blindly adhering to the hope that this program will work against all the evidence. It is pretty distressing. It is going to have to change if we are going to get anywhere.