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Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Eternal God, we thank You and praise Your Name because of Your goodness and mercy to us and our Nation. You are robed in majesty, and we look to You to establish us and keep us strong.

Today, provide our lawmakers with Your guidance so that they will accomplish Your will. May they never presume upon Your generous provisions or live as if they are independent of You. Lord, infuse them with Your love, wisdom, and power as they seek to speak words of healing and hope.

Today we ask You to extend Your mercy to the people of France as they deal with the tragic terror attack.

We pray in Your merciful 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.

KEYSTONE XL PIPELINE ACT— MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S. 1.

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

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 1, S. 1, a bill to approve the Keystone XL Pipeline.

UNANIMOUS CONSENT AGREEMENT—H.R. 26

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following leader remarks the Senate proceed to the consideration of H.R. 26, the House-passed TRIA bill; further, that the only amendment in order be an amendment to be proposed by Senator WARREN, which is at the desk, with the time until 1:45 p.m. equally divided in the usual form. I further ask that no other amendments or motions be in order, aside from budget points of order, if applicable, and that if a point of order is raised, the motion to waive be considered made. I further ask that following the use or yielding back of time and the disposition of any pending motions to waive, the Senate vote on adoption of the Warren amendment, the bill then be read a third time, followed by a vote on passage of the bill, as amended, if amended; and the votes on the Warren amendment and passage of the bill, as amended, if amended, be at a 60-vote affirmative threshold.

The PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. No objection.

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

SCHEDULE

Mr. MCCONNELL. Mr. President, with this agreement we are able to complete some unfinished business from last Congress and reauthorize the Terrorism Risk Insurance Program. These votes will occur this afternoon at 1:45. The Energy Committee is meeting this morning to report out the Keystone bill. We will begin processing that bill next week. Those with amendments to Keystone should be working with Chairman MURKOWSKI and Ranking Member CANTWELL to schedule a time to come and offer them. I hope that our colleagues on the Democratic side will allow us to get on the bill and start with a fair and open amendment process on Monday or Tuesday of next week.

KEYSTONE XL PIPELINE

Mr. President, the new Republican majority has pledged to run the Senate differently and to stop protecting the President from good ideas. That is why we look forward to the Senate beginning consideration of a bipartisan job-creating infrastructure project, the Keystone XL Pipeline. Right now the Keystone jobs bill is being considered by the committee. The Keystone jobs bill will then be subject to real debate and amendment on the floor of the Senate. Then we plan to send the Senate Keystone jobs bill to the President's desk with bipartisan support.

That may be a departure from what Senators have become used to, but for Members on both sides, I think the change will certainly be welcome. I think Senators in both parties are ready to have their voices and the voices of their constituents heard in the Senate. Senators understand that Keystone presents a real opportunity for Washington to finally prove to America that it can prioritize jobs for them over the demand of powerful special interests. That is what the voters told us they wanted just last November, and that is just exactly what Washington should aim for now by passing this bipartisan, job-creating infrastructure project.

As we consider the Keystone jobs bill, let's keep focused on the real issues at hand, such as jobs for the middle class and reliable energy costs for families. Let's also acknowledge that this is not really a debate about the environment. President Obama's own State Department has previously said that Keystone's impact on the environment would basically be negligible. So let's maintain our focus. Let's keep the voters in mind who sent us here and let's remember what they told us just last November.

One of the things they told us is they would like to see more team work across the aisle. So for a President who

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



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said he would like to see more bipartisan cooperation, this, my colleagues, is a perfect opportunity.

A number of the many Democratic supporters of this bill have already written to the President urging him to choose jobs, economic development, and American energy security and approve this pipeline. We are asking the President again today to do that by working with us to end the gridlock and get this job-creating infrastructure project moving. Keystone has been studied endlessly from almost every possible angle, and the same basic conclusion seems to be coming back. The conclusion is: Build it. Build it. Keystone construction could support thousands of jobs. It could invest billions in our economy. That is why Democrats say build it, Republicans say build it, prominent labor unions say build it, and most importantly, the American people say build it.

The President has called for Congress to send him infrastructure projects to sign. Keystone is the largest shovel-ready infrastructure project in the country that makes sense. So we are going to send it to him, and we hope he will sign it. He may ultimately veto an infrastructure project that would increase workers' wages by \$2 billion, a project whose construction alone could, according to the President's own State Department, support many thousands of jobs. He may. Or he may decide to try and make divided government work. Either way, this Congress is determined to do what we can to pass bipartisan jobs legislation. That is what the American people asked us to do, and that is just what we are going to do.

RECOGNITION OF THE ACTING MINORITY LEADER

THE PRESIDING OFFICER (Mr. RUBIO). The assistant Democratic leader.

KEYSTONE PIPELINE

Mr. DURBIN. Mr. President, the majority leader has stated this morning that we have to stop protecting the President from good ideas and use this as his exhibit A—the Keystone Pipeline bill—which is likely to come up for debate before the Senate the beginning of next week. It is an important measure, an important issue that has been talked about over a long period of time, and the actual debate on the Senate floor will commence the beginning of next week.

The majority leader has moved a bill through the rule XIV process, which under the Senate rules is an effort to bring a bill directly to the floor and not through the committee. At the same time there is a parallel effort under way in the newly formed energy committee of the Senate—formed as of yesterday, I might add—to consider this bill, as well, to mark it up. So I am not sure which bill will come to the floor. Perhaps the effort will be merged at some point. But there is no delay from our point of view from any of the motions or objections that we have raised. We ask only that the committee

structures be established so that the bill could go through the orderly process of committee. That happened yesterday and now it is in the hands of the energy committee. If their markup is going to be perhaps later this week or next week, then we will be prepared to bring this measure to the floor after the regular order process of committee consideration of this bill.

This bill, of course, is going to be subject to the new approach of the new majority—amendments on the floor. I welcome that. I have been looking forward to that and a return to that for a long time. We have already said that although we plan on being in the minority for a short period of time, while in the minority we will not be obstructionist. We are going to do our best to work in a constructive fashion toward bipartisan solutions. There will come moments of disagreement, and Members will assert their rights and privileges as Members of the Senate and will follow the traditions in the rules of the Senate in that regard.

I will state that when this measure comes to the floor, there are some important questions that need to be answered. I listened to Republican Senators BLUNT and THUNE yesterday come to the floor and say something which puzzled me. I thought there was a question—at least a question was raised earlier—as to whether the oil that is flowing through this pipeline is ever going to be sold as a product in the United States. I don't know the answer to that as I stand here.

For the longest time, the companies that wanted to develop this pipeline and the refinery have not agreed that their product would be sold in the United States. Yet I have heard Senator after Senator come to the floor and say we have to have more oil in the United States.

Initially, as I understand it, this pipeline was to end at a refinery in Texas where it could be exported overseas, meaning that the actual oil product may not benefit American consumers of gasoline and diesel fuel.

So during the course of this debate on this Keystone Pipeline, amendments are going to be offered to give Members an opportunity to go on the record as to whether the ultimate product from the Keystone Pipeline is going to be sold in the United States and ultimately whether there will be jobs created in the United States as a result of it. These are worthy policy questions, and I think they will come up during the course of our amendments.

I also take exception to the majority leader's suggestion that this particular measure, the Keystone Pipeline, has been studied endlessly and stranded because of the efforts of the President. Let me say, as we stand here today discussing the Keystone Pipeline, the court system in the State of Nebraska is still trying to resolve some questions about the location of this pipeline—sensitive questions to our environment.

There is an aquifer in this area that they don't want to jeopardize by placing the pipeline in the wrong location. They are fighting it out in the courts of Nebraska as to the right location and the authority of officials in Nebraska to choose that location. That goes on as we debate it on the Senate floor. So to suggest that this is so-called shovel ready and all we need is a green light from Congress and the President to move forward oversimplifies and overstates the case. I wanted to clarify that for the record.

AFFORDABLE CARE ACT

Mr. President, there is an effort under way in the House of Representatives today to amend the Affordable Care Act. For those of us who voted for it and proudly support the Affordable Care Act, this is no surprise. Many of the people who did not vote for it and those on the other side of the aisle have opposed the Affordable Care Act since it was signed into law by President Obama. Some believe that opposition is grounded in this notion that this is President Obama's Affordable Care Act, the so-called ObamaCare. I would say that opposition is not grounded in the reality of what has happened since we passed the Affordable Care Act.

There are Members of the Senate—Republican Members—who have said they want to veto and eliminate every single word of the Affordable Care Act—every single word. One of the Senators from Texas on the Republican side said that the other day. Well, if they do this, it will be disastrous.

Let me state the record of the Affordable Care Act to date. The Affordable Care Act has given millions of Americans access to health insurance—many of them for the first time in their lives. I have met them in the city of Chicago and around my State. At the same time it has reined in insurance companies and has lowered health care cost increases. Because of this law a person no longer needs to stay in a job simply to have health insurance or be denied coverage because of a preexisting condition.

Who among us does not have a family Member or friend with a preexisting condition? Almost anything qualifies as a preexisting condition under the old law. Under the Affordable Care Act you cannot be discriminated against because of a preexisting condition that you suffered from or someone in your family did. When the Republican Senator from Texas says he wants to repeal every single word of the Affordable Care Act, he is repealing the protection of those with preexisting conditions and families with children with preexisting conditions from having access to health insurance they can afford.

That was the reality of the situation facing America before the passage of this bill.

I might add that because of the Affordable Care Act, preventive care is free and the cost of prescription drugs

for senior citizens is substantially lower. Those who want to repeal the Affordable Care Act are really putting at risk preventive care, which eliminates some of the worst and most expensive medical conditions, and at the same time, they are suggesting that we ought to say to seniors: Pay more for your prescriptions.

If you repeal the Affordable Care Act, you will be repealing provisions that help make seniors' prescription drugs affordable.

Out of the gate, House Republicans are pursuing an extreme bill that they are considering this week that undermines the Affordable Care Act and that is likely to come to the Senate soon and we are told is a high priority by the new majority in the Senate.

According to the Congressional Budget Office, the House Republican bill would increase our Nation's deficit by \$45 billion. What happened to all these deficit hawks who have been preaching to us day after day and week after week about our Nation's deficit? Apparently, when it comes to the Affordable Care Act, they are going to ignore the reality that the bill being considered by the House will add \$45 billion to the Nation's deficit.

That bill would also cause 1 million people in America to lose their employer-based health insurance. The purpose of this effort on the Affordable Care Act was to give more people insurance coverage. The first action by the Republican Congress is to take up to 1 million people off of health care coverage from their own employers.

This action by House Republicans—soon to be brought to the floor of the Senate—would increase Medicaid and CHIP enrollment by 500,000 to 1 million people. It will take people off of their coverage where they work and move them into government health insurance programs. Does that sound consistent with what we are told over and over is the Republican philosophy? I don't think so.

We have had 8 million Americans enroll in private health insurance plans since October 1. That is the enrollment. Over 9 million people have gained coverage through Medicaid and CHIP. In Illinois more than 800,000 people now have health insurance because of the Affordable Care Act. Over 217,000 people purchased plans through the Illinois marketplace. My wife and I purchased our plan through a marketplace that was created by the Affordable Care Act. An additional 530,000 people have enrolled in Medicaid in my State.

In Illinois, 125,000 young adults have been able to join their parents' plan. Any parent with a child in college who is about to graduate knows that this change in the law is dramatic and helpful. Those of us who have had kids graduate from college and have worried about their health insurance coverage once they were out of school—this Affordable Care Act says these young people can stay on their parents' health insurance policy until they

reach the age of 26. While they are looking for a job—internships, travel, part-time jobs—they are covered by their parents. It is peace of mind for parents. When Republican Senators say they want to repeal every single word of the Affordable Care Act, they want to repeal this provision, which in my State is providing coverage for 125,000 young people who can stay under their parents' plan.

According to a Gallup poll released yesterday, the uninsured rate has dropped over 4 points since the Affordable Care Act went into effect a year ago. That was our goal—more and more people with health insurance coverage. The uninsured rate that they now report is 12.9 percent. That is the lowest point since Gallup began to track this measure of health insurance coverage.

The Affordable Care Act includes several changes that are meant to help slow the growth of health care costs, and they are working. Instead of paying hospitals for the services they provide—the old fee-for-service program—hospitals are paid on the basis of making patients better. If their patients have to go back into the hospital, the hospitals are paid less. There is an incentive to take care of people and to make sure that when they are finally released, they are ready to go home and not likely to return. Despite climbing readmission rates since 2007, those hospital readmission rates are now falling since the passage of the Affordable Care Act and our change in outlook when it comes to health care. Hospitals are responding in a positive way to the incentives in the Affordable Care Act, and more of their patients are going home in better and stronger condition and staying at home.

Health care spending per enrollee has slowed in the private insurance market, in Medicare, and in Medicaid. For the first time in years we are seeing the rate of growth in health care costs slow down. That is a dramatic increase in opportunity, not just for individuals and businesses that pay health insurance premiums, but it means less expense for our government. It helps to reduce our deficit.

The solvency of the Medicare Part A trust fund is now 13 years longer than it was prior to the passage of the Affordable Care Act, which the trustees in 2010 said had substantially improved the financial status of the trust fund.

As I mentioned earlier, the law is also helping seniors with the cost of their prescription drugs by closing the so-called doughnut hole. Remember that crazy provision? It said that if you are getting prescription drugs as a senior under Medicare, it would cover the purchase of drugs up to a certain point and then you had to pay out-of-pocket for a certain period of time and then it came back and covered again. We closed the so-called doughnut hole with the Affordable Care Act. The Republican Senators, who have vowed to repeal every single word of the Affordable Care Act, are going to reopen that

doughnut hole, which means seniors will have more out-of-pocket expenses for prescription drugs.

Despite all of the successes, some Governors have decided not to expand Medicaid under the Affordable Care Act, thereby denying health insurance coverage for millions of people in their States. The Affordable Care Act has already given about 9 million Americans access to Medicaid. By not expanding Medicaid in these other States, these Governors are leaving billions of dollars on the table that could be used to cover people in their States, dollars that could be used for health care for people who need it the most. I met those people. One of them is Ray Romanowski—a great Chicago name. He is a big, barrel-chested Polish musician who has played at wedding receptions and different events with his band all of his life. That is what he has done for a living. Until now he has never ever had health insurance. He qualifies for Medicaid. He has that coverage and carries it in his pocket proudly, and at age 62 he is glad to have it so he can deal with some of the issues that folks face as they get a little older.

Unfortunately, when these Governors decide not to expand Medicaid to cover people in their States, everybody pays. People who would otherwise qualify for Medicaid still need health care. They still get sick, they still show up in the emergency room, and basically they get the services at the hospital and the rest of us pay for it. Isn't it more responsible to say that individuals should have their own responsibility to have their own insurance and show up for preventive care to avoid terrible medical conditions?

One of the things I worry about is that the proposal before us, which Senator MCCONNELL has said is a high priority, will address one of the issues regarding when employers have to provide health insurance coverage. It is an issue which was addressed in the bill but has been controversial.

Senator MCCONNELL said: "Making the switch from 30 to 40 hours is at the top of the GOP's Obamacare priorities." This is a provision being considered by the House of Representatives now, and it is one we ought to reflect on for a moment. It may seem simple to some that if you raise the requirement to 40 hours of work before the employer has to pay for health insurance, that it will mean fewer people are going to be disadvantaged. Exactly the opposite is true. The workweek bill affects how many people are covered by the employer mandate—the requirement that an employer pay for health insurance which went into effect January 1 for businesses with 50 workers or more. These businesses with more than 50 workers have to offer insurance to 70 percent of their full-time workforce this year or pay penalties. Under the law, full time is defined as 30 hours.

Critics of this 30-hour rule say it will force employers to slash workers'

hours to escape the penalties. Many Democrats and even some prominent conservative policy experts say that the change being considered by the House of Representatives now will do more harm than good. Millions more people work a traditional 40-hour workweek than a 30-hour workweek, so putting the cutoff at 40 hours gives employers an incentive to game the hours of their workers—a much larger group of workers. In other words, if you are not required to provide health insurance unless an employee is working 40 hours, the House action creates an incentive for employers to avoid the mandate by reducing the hours worked by those who are currently working 40 hours.

The Cato Institute is no liberal think tank; it is one of the most conservative. Cato Institute scholar Michael Cannon wrote Wednesday that the bill now being considered by the House might lighten ObamaCare's business burden but drive up government spending by making more people eligible for health care subsidies. He wrote, "How is that a policy victory?" and added that it is a wrongheaded strategy. He said, "This proposed change would actually do a lot of harm, not just to the Affordable Care Act but to a substantial number of people across the country."

Our leader on this issue is Senator PATTY MURRAY. Senator MURRAY is the ranking member of the Senate HELP Committee, and she issued a statement this week which really is spot-on when it comes to the wrongheaded approach being considered by House Republicans and soon to be brought up here. The Senate HELP Committee may take up the bill as soon as the end of this month.

The Senate HELP Committee ranking Democrat, PATTY MURRAY, pledged to fight the change. Here is what she said:

It's deeply disappointing that as one of their first priorities, Republicans are putting forward a proposal that would not only hurt workers by denying them the health care coverage they depend on, but would actually encourage companies to cut many workers' hours across the country.

The independent Congressional Budget Office said Wednesday that the House bill would add \$53.2 billion to our Nation's deficit from 2015 to 2025 because fewer businesses would pay the fines and because some of the employees who would have been covered at work are now going to be covered by government programs. The CBO estimates that 1 million Americans would lose the health care coverage they currently have at work if the Republicans proposal prevails and up to 1 million will end up on government programs as result of it. This is the wrong approach.

I say to my friends in the retail and restaurant industry, the offer that I made and that I am sure many others have made is still there. Let's sit down on a bipartisan basis and find the right

solution. This effort to stop the progress of the Affordable Care Act, increase the deficit, push more people into government coverage, and eliminate health coverage for millions of Americans across the country is the wrong way to approach it at this point. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 26, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 26) to extend the termination date of the Terrorism Insurance Program established under the Terrorism Risk Insurance Act of 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 1:45 p.m. will be equally divided in the usual form.

The President pro tempore.

KEYSTONE XL PIPELINE

Mr. HATCH. Mr. President, I rise to join my colleagues, both Democratic and Republican, to urge the swift passage of a bill in the Senate that would create jobs, strengthen our economy, and put more money in Americans' pocketbooks—the bipartisan Hoeven-Manchin bill to authorize the Keystone XL Pipeline. I will talk about that for a few minutes, and then I might have some remarks about what the assistant minority leader has said.

I wish to address the Keystone Pipeline project and why it is important, but first I will focus on how the Keystone debate reflects on the state of the Senate and on good governance more broadly. After all, this project is now in its sixth year of limbo, waiting for a single permit to be issued. This debate has gone on longer than an entire term of the Senate.

My colleague from Florida, Senator RUBIO, recently commented that the America public no longer has confidence that the Federal Government works anymore. He is right, and the American people are justified in their skepticism. He is right. This project is a perfect example of why.

A debate over the merits of and drawbacks to the pipeline—a debate that centers upon sound science and agreed-upon ground rules—is long overdue.

Such a debate represents the best traditions of the Senate—a meeting of minds where respect and tolerance shape the contours of debate. Such a debate is particularly valuable because a commonsense regulatory process is integral to a sound economy and the rule of law.

Time and again, President Obama has suggested that an issue such as this is too important to get bogged down in politics and that we should trust in the integrity of the regulatory process. To this I have two replies.

First, this is exactly the sort of debate we should be having in the Senate. This is the body that is supposed to debate the important issues of the day. When a project as important as this is stalled without meaningful justification for so long, our investment and involvement is even more important. In this case, we have sought to legislate according to the best traditions of this body, reaching across the aisle and taking all voices into account.

Second, curtailing debate on this issue has only had the result of turning the construction of what should be a commonsense infrastructure project into an abstraction, a political symbol that has little to do with the actual proposal under consideration. Without discussion of facts and evidence in this Chamber—all of which I believe counsel in favor of approving the project—the opposition has been able to obfuscate the facts and avoid having to defend their position. The Senate is a place where we can best accomplish good policymaking, not political grandstanding, especially on an issue of such importance as the Keystone Pipeline.

I was encouraged by yesterday's colloquy on the resolution to allow the Keystone Pipeline to move forward because it represents a return to the way we should talk about serious issues; that is, through actual debate. But that colloquy and the work we are doing today has been met with further resistance from the White House. Even before we consider any number of amendments from both sides of the aisle, the President has already threatened to veto our legislation calling for pipeline construction to move forward. This is an unfortunate way for any President to begin work with a new Congress.

Our country and North American energy security will greatly benefit from this project. It improves efficiency and energy infrastructure. It takes pressure off of moving oil by rail. It will increase our GDP by approximately \$3.4 billion annually. The State Department, which has provided clear-headed analysis of the benefits of this project, has found that Keystone will support roughly 42,000 jobs during the construction phase alone. It will provide refineries with up to 830,000 barrels a day of North American oil.

The Keystone Pipeline is an environmentally sound way to transport this oil. In fact, the State Department's extensive environmental impact statement concluded that building the pipeline would actually be better for the environment than not. We have to be clear: The oil is going to go to market no matter what—by truck or rail, if not by pipeline. Building this pipeline takes this oil off of the tracks, off of