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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

### PRAYER

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

Let us pray.

Gracious God, high and lifted up, hallowed be Your Name.

Lord, on yesterday we observed the 10th anniversary of 9/11 and thanked You for Your grace that continues to protect and sustain us. We give thanks at the remembrance of Your holy Name, for You are our hope for years to come. Today, empower our Senators to grow in grace and knowledge of You. With each passing day, may they find themselves more ethically and morally fit. Let Your word be a light for them and a lamp to illuminate the darkness. Lord, use them so effectively on Capitol Hill that justice will reign in our land and world.

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, September 12, 2011.

To the Senate:

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

appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS 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 any leader remarks, the Senate will be in a period of morning business until 4:30 p.m. today. At that time, the Senate will resume consideration of H.J. Res. 66. At 5:30, there will be a cloture vote on the motion to proceed to H.J. Res. 66. At 5:50, Members will gather in the Rotunda and proceed to the 9/11 remembrance ceremony on the east front of the Capitol.

### REMEMBERING 9/11

Mr. REID. Mr. President, I remember Tuesday, September 11, very clearly.

Room 219 is where Senator Daschle held his Tuesday morning leadership meeting, which started at 9 o'clock. I was the first Senator in that room. John Breaux of Louisiana came in a short time later, and he said: Something is going on in New York. Flip on the TV. And we did, and there was a tower burning, and we were thinking, how could an airplane run into that tower?

We basically didn't pay any attention to that TV. We turned it off because there was a meeting there. We assembled for a meeting, Senator Daschle called it to order, and just a short time after the meeting was started, he got a note. Somebody came in and took him out, and he came in and said: We have

to vacate the building. There is an airplane headed toward the Capitol. So of course we all hurriedly left 219.

I remember that day so very clearly. Senator Nickles was my Republican counterpart, Senator Trent Lott was Senator Daschle's counterpart, and the four of us were taken off the west front of the Capitol to a secret location, where we spent most all the day. The Vice President was there and kept us informed as to what was going on. As we left 219, Mr. President, you could look out the window and see the smoke billowing out of the Pentagon.

It was a very difficult day for all of us. Yesterday, we observed the 10th anniversary of those attacks, but the truth is I remember that day as if it were only yesterday. That day, Osama bin Laden and his radical followers didn't just launch an attack on planes or buildings. They launched an attack on the American spirit. They launched an attack on our freedom and our democracy.

Rather than being crippled by the terrible acts of those madmen, rather than allowing uncertainty and fear to rule us, this Nation was again stronger than ever. And we really did it in one way, and that was by coming together. The darkness that day reminded us of our collective strength and power. It reminded us that there is nothing we cannot achieve together, as one Nation under God, indivisible, and, of course, with liberty and justice for all. So we pledged to bring justice to the perpetrators of those terrible acts, and we followed through on that pledge with an unfaltering campaign to dismantle al-Qaida and its supporters. This year, our brave Navy SEALs and others gave Osama bin Laden his due. We also pledged to rebuild, and I am very happy to see the proud towers of the new World Trade Center rising from the ashes of Ground Zero.

That doesn't mean the memory of that day is not painful, because it is, especially to those who lost loved ones.

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



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Thousands of people lost loved ones. Nothing could ever make up for the loss of a mother or father, son or daughter, brother or sister, friend, or a spouse who was just catching a plane, going to work, or at work on that horrific day. They are the reason we will never forget—ever.

So today, as yesterday, I honor the memory of the thousands of innocent people who died at the World Trade Center, at the Pentagon, on the hijacked planes in New York, Pennsylvania, and Virginia. I honor the memory of the firefighters who knew the danger they faced when they entered those buildings but went in anyway. I honor the police and rescue workers who rushed to the scene and combed through the debris, some of whom died that day. I honor the many dedicated members of our Armed Forces, our State Department, the U.S. Agency for International Development, and our intelligence community who have sacrificed their lives to keep us safe and keep September 11 from ever happening again.

Today, at approximately 6 o'clock, we will gather on the east front of the Capitol. In looking at the program, I see the final thing that will happen there is one of the military bands and choir will sing "God Bless America." That happened on September 11. Senator Daschle and I had come back, and we gathered on the front of the Capitol. We really were there not knowing what to do; we just wanted to be together. As I remember, Senator MIKULSKI said in her usual voice, which demands attention, "Let's sing 'God Bless America.'" And we did. I don't know how well we sang it, but it was a memorable event. So I will remember that very clearly tonight when we close our recognition ceremony out there on the east front of the Capitol singing "God Bless America"—something we did 10 years ago.

Mr. President, I honor America's spirit of perseverance and commitment to freedom. May we never forget.

Will the Chair announce the business of the day.

#### 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 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes in morning business.

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

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1538 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MEDICAL DEVICE TAX

Mr. COATS. Mr. President, we all heard the President speak to a joint session of Congress last week about his jobs bill, which was released this morning. The President indicated he wanted to take his case to the people. I am glad he is doing so. As he travels about the country, I think he will be hearing what many of us heard during the August work period when we were back at home.

As I traveled across the State of Indiana and talked to people from all different categories of industry—small to medium to large businesses—homeowners and other constituents, one thing came through loudly and clearly: I needed to listen to them more than they needed to listen to me. What was on their minds is what I think the President will be hearing about as he travels across the country to talk about his jobs plan because, clearly, on the minds of the American people are jobs and the lack of jobs for many who are struggling through a very difficult time of unemployment. There are students who graduated from college with no place to go. People in middle age are being laid off or terminated, unable to find new work. Clearly, we have a jobs crisis in this country. It has lasted now for some time. We have been in a deep recession. Hopefully, we are coming out of it, but the latest indicators show that things are pretty stagnant. In fact, the latest facts that came forward in the August reports were that job growth is zero. So we have some work to do. We also need to look carefully at the proposal the President brought before us.

Getting back to the central point I am trying to make, what he will hear, I believe, from the American people—at least he will hear it if he stops in Indiana—is there is a great cloud of uncertainty hanging over the future and,

because of that, people are holding back on spending and businesses are holding back on hiring. There certainly is not the confidence we have seen in the past. We have seen that confidence indicator drop and drop and drop—confidence in the future that we have our act together, that we are pulling out of this recession, and that we can look forward to a brighter tomorrow because our economy will be growing and we will be adding more jobs. That uncertainty results from a number of factors. Clearly, we have been in a downturn, and we are trying to climb out of that, but there is also uncertainty about what policies will be coming out of Washington that will affect the job creators and will affect consumers as they contemplate decisions regarding how to go forward.

One of those key indicators is the uncertainty over what the Tax Code will bring regarding the taxing of profits or income or revenue that comes into America's companies. I wish to highlight one of those because it is important to the State of Indiana, but I think it also makes the larger point. There are industries that can be an essential part of our future and that can and are providing for essential employment, at higher than average wages with good skill levels, and that hold a lot of potential for our exporting successfully overseas as well as providing necessary products here at home.

One of those industries is centrally located in Indiana—in fact, it is one of our top industries and an industry with significant growth over the last decade or more; that industry is the medical device industry. Yet the medical device industry, because of its success, was targeted during the formation of the health care plan that was proposed by the President and passed by this Congress in the last session. That bill imposed a tax increase on the medical device industry, even though they did not have a direct relationship with what was trying to be accomplished in the ObamaCare medical plan. Here is an industry that is a world leader, where the United States is a world leader, an industry that brings in substantial revenue, has seen a significant increase in growth, and holds great potential for the future. Yet because there was a search for pay-fors for the health care plan, the administration looked at this industry and basically said: We can draw some taxes and provide some revenues. Their proposal was to achieve \$40 billion over a period of time, all of which would go to help pay for the health care plan. That was reduced through an amendment—or through negotiations—to \$20 billion. Nevertheless, it should have never been included in the first place. It was there for a revenue raiser, and it didn't have anything to do with the particular plan.

Indiana is one of the world leaders in the development of medical technologies that enhance and save the lives of Hoosiers and patients around the world. We have more than 300 FDA-