

SENATE—Monday, June 14, 2010

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Our heavenly Father, give us the courage to continue with hope when the days are difficult and our work is challenging. Stay near to our Senators, particularly when they are weary and when doubts and anxieties assail them. Give them the wisdom to do their best and leave the rest to Your loving care.

Lord, take their lips and speak through them; take their minds and think through them; take their hearts and love humanity through them.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

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.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 3 p.m. with Senators permitted to speak for up to 10 minutes each. Upon the conclusion of morning business, the Senate will resume consideration of the House message with respect to H.R. 4213, which is the tax extenders legislation.

There will be no rollcall votes today. Senators should expect the next votes to begin around 11:50 a.m. tomorrow. Those votes will be on confirmation of several District Court nominations: Tanya Pratt of Indiana, Brian Jackson of Louisiana, and Elizabeth Foote of Louisiana.

FIXING AMERICA'S PROBLEMS

Mr. REID. Mr. President, we will learn a lot this week about who wants to fix problems and who wants to make excuses. This week will be the seventh week the emergency unemployment insurance bill has been on the Senate floor. It is another week the good families in Nevada and across the country have to struggle to make ends meet after their benefits have expired—to simply cover the basics while they look for full-time work.

If my friends on the other side of the aisle have their way, this week will be yet another week with no lifeline for the most needy—those willing to work and who are waiting to work. The other side has slowed and stalled almost every piece of legislation this year, just as they did last year and the year before. And that is not a secret. The numbers don't lie and the Republicans make no efforts to hide their strategy of delay. That is why today they are known as the party of no.

But that strategy has consequences. The first is unemployment insurance. Years of disastrous Republican policies led to the worst economic disaster in generations. That, in turn, led to layoffs in nearly every industry in every State. When millions of Americans lost their jobs, they lost their incomes, their homes, their savings, their gas money, their tuition payments, all through no fault of their own. Democrats aren't about to turn their backs on out-of-work Americans, which is why we are trying to help them keep

their heads above water in this emergency.

The second casualty is Medicaid funding, known as FMAP, so the poorest of the poor in our communities can see a doctor when they get sick. Many States, including the State of Nevada, have budgeted for this money and count on us to deliver it. Nevada is counting on more than \$100 million. Others are waiting on billions of dollars. If we don't deliver, we will leave huge holes in State budgets that will be filled with other deep and drastic cuts affecting the basic goodness of our country and directly the lives of millions. Critical services from coast to coast will bear the burden. We have to pass this bill on the FMAP legislation. We have to do it to protect those services and the jobs they create.

Third, this bill will fix an injustice to doctors who treat America's senior citizens—those on Medicare. More than a decade ago, a Republican-dominated Congress passed a flawed policy regarding how doctors are reimbursed for seeing patients on Medicare. Tomorrow, these doctors will see those payments drop 21 percent—that is more than one-fifth—and it will drop overnight. That is grossly unfair to doctors and it is dangerous for seniors, veterans, and others they may soon no longer be able to treat.

But that is not all. Many HMOs and other providers base their reimbursements on Medicare rates. So you don't have to be a senior citizen or a veteran to be affected by the sharp cut scheduled to take effect tomorrow.

Some on the other side are still trying again to stand in the way. As I said, the doctors payment problem came out of a Congress that was dominated by Republicans. The Democratic Congress is determined to fix this.

Let's say a word about the BP disaster. Next week will mark 2 months since millions of gallons of oil started gushing into the Gulf of Mexico. But this week will tell us a lot about who is fighting for the taxpayers and who is fighting for corporate America.

The cost of the BP disaster isn't limited to the devastated waters and wildlife along our gulf coast. The damage extends to the lives and livelihoods of so many in that region—such as small businesses that can't operate at full speed, and the workers whose jobs are threatened when these businesses slow. Whether it is fishermen, shrimpers, or tourism businesses whose workplace—the Gulf of Mexico—has been polluted on such a large scale, the damages would stretch clear across the State of Nevada, from our California border to

our Utah border. Understand how big that is. Nevada is the seventh largest State in the Union, areawise.

Another cost, of course, is the families forever changed when 11 men died in the explosion that caused the spill. Some estimate the pricetag for this disaster will climb to the tens of billions of dollars. But let's be honest: Someone is going to end up paying that bill eventually, but we are making sure it is not going to be the taxpayers. We are going to send the tab to BP.

That is why I sent a letter yesterday to Tony Hayward, BP's chief executive officer. I am pleased and encouraged that the vast majority of Democrats we could get hold of signed their names alongside mine. We told Hayward we are committed to ensuring BP is held fully responsible, and that we refuse to ask taxpayers to bail out one of the richest companies in the whole world. We asked our Republican colleagues to join us.

We are calling on BP to create a special accountability account—overseen by an independent trustee—to pay for the damages from their historic disaster and the cost of cleaning up their catastrophe. We are making these demands because we don't have a lot of reason to give BP the benefit of the doubt. Shortly after the explosion, we learned of the shortcuts that led to it. We saw it all over—including a very nice piece they did on "60 Minutes." We also recently learned BP vastly understated the extent and rate of the spill. And in past disasters, we have seen other oil companies spend millions on lawsuits and public relations campaigns, all designed not to compensate the businesses and families they hurt but to improve their profits.

Our message to BP is as simple as this: If you drill and you spill, we are going to make sure you pay the bill.

RECOGNITION OF THE MINORITY LEADER

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

FLAG DAY, HEALTH CARE AND EXTENDERS

Mr. McCONNELL. Mr. President, first, I would like to note a couple important anniversaries today. It was on this day in 1775 that the Continental Army was established and George Washington appointed to lead it. So June 14 has gone down in history not only as the beginning of America's defeat of the British Army but also as the birth of the greatest Army the world has ever known. The largest and oldest branch of the U.S. military, the Army is older than the United States itself. Its first leader became our first President. It continues to make Americans proud, and we are grateful on this day

and every day for the men and women of the U.S. Army.

Incidentally, 2 years to the day after the establishment of the Army, the Second Continental Congress officially established the flag under which our military has fought ever since. The resolution in Congress said that 13 stripes would represent the 13 States, and that 13 stars would represent the Union in the form of a new constellation. President Wilson officially established this day as Flag Day in 1916. Ever since, Americans everywhere have honored this great symbol of freedom every year on Flag Day, June 14. We honor those who have fought for it, and we are proud of all that the flag of the United States of America represents here and wherever it flies around the globe.

On another topic, the Obama administration announced new regulations today that will give Americans a better sense of how the health care bill will affect them. These new regulations outline the various ways in which existing health plans will be forced to change under the new law. According to the Obama administration report we saw on all this today, these regulations could result in nearly 7 out of 10 workers—and 80 percent of workers at small businesses—seeing changes in their plans. In other words, under the new health care bill, more than half of those who get insurance through their jobs may be forced to change their plans whether they want to or not.

This is not only bad news for the vast majority of Americans who like the plans they have. It also flatly contradicts the President's repeated promises to the contrary. A year ago this month, the President said the following on national television: ". . . Government is not going to make you change plans under health reform"

The implication here was that businesses might change your plans, but government won't. Today's regulations show that this isn't true. The government is about to change the plans most Americans have. Here's one more promise the administration has broken on health care and one more warning Republicans issued on this bill that's been vindicated.

Now onto the business on the floor. Since Democrats continue to argue among themselves about the extenders bill, I will be asking consent at the end of my remarks to pass a 30-day extension of the recently expired provisions in the bill that will give doctors and those looking for work the assurances they need to plan ahead. And rather than doing it in a way that simply adds to the deficit, this proposal would actually reduce the debt by \$2.5 billion. Moreover, later today Senator THUNE will offer an amendment that would provide for a long-term extension of these programs, plus the tax provisions which expired at the end of last year, without adding a dime to the deficit.

In fact, the Thune amendment would enable us to lower the deficit by \$55 billion by enacting the kinds of spending cuts Americans are demanding of lawmakers in Washington.

Many of these cuts have been proposed previously by Senator COBURN and received bipartisan support on the supplemental spending bill. We need to show the American people we are making serious efforts to cut spending. The Thune amendment gives us an opportunity to do just that today. I hope our Democrat friends join us in that effort.

As I indicated and mentioned to the majority leader when we were in private discussion a while ago, I will now propound the consent agreement to which I referred in my remarks.

UNANIMOUS-CONSENT REQUEST—S. 3421

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 411, S. 3421; further, that the bill be read a third time and passed, and the motion to reconsider be laid upon the table; before the chair rules, for clarity, this is a paid for 30-day extension of the extenders bill, which includes unemployment insurance, doc fix, COBRA, flood insurance, and the extension of the small business loan guarantee program and the 2009 Federal poverty guidelines.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, it is my understanding, through the Chair to my distinguished friend, the senior Senator from Kentucky, that this is paid for out of stimulus money?

Mr. McCONNELL. Mr. President, I believe most of the pay-fors are. I would say to my friend, having consulted with staff, it is some stimulus money but largely what we believe to be noncontroversial pay-fors.

Mr. REID. Mr. President, a 30-day extension doesn't solve the problems we have. A 30-day extension of unemployment, 30-day FMAP, 30-day doc fix, is just kicking them all down the road. We have to have a legitimate program to extend these benefits into the future, and 30 days does not do it. It just kicks the ball down the road.

I would also say, with money being taken from the recovery moneys—this is one of the job-creating things we have left going on in this government. It is a good program, it creates jobs.

I look forward to working with my Republican colleagues to have a more long-term fix of this difficult problem, and therefore I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

RESERVATION OF LEADER TIME

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