



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, THURSDAY, MAY 14, 2015

No. 74

## Senate

The Senate met at 9:30 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:

Let us pray.

Eternal God, King of the universe, bestow upon our lawmakers understanding to know You, diligence to seek You, wisdom to find You, and a faithfulness to embrace You. Today, help them to experience the constancy of Your presence. Lord, give them a courage which shows itself by gentleness and integrity. Provide them with a wisdom which shows itself by simplicity and unity. Impart to them a power which shows itself by humility and restraint. Guide them by Your higher wisdom and fill them with Your peace.

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 PRESIDING OFFICER (Mr. HELLER). The majority leader is recognized.

### TRADE

Mr. MCCONNELL. Mr. President, I was glad to see our Democratic friends accept our path forward on trade yesterday. Under our plan, the Senate will avoid the poison pills that had been floated in favor of the very type of bipartisan approach we have been advocating for all along. It follows the reg-

ular order. It allows Senators to express themselves without endangering more American trade jobs for the people we represent.

So this is good news. It is good news for bipartisanship. It is good news for a new Congress that is getting back to work. And it is good news for America's middle class.

The people we represent deserve the kind of good jobs we could secure by knocking down unfair trade barriers. One estimate shows that trade agreements with Europe and the Pacific could support as many as 1.4 million additional jobs here in our country. In Kentucky, they can support more than 18,000 additional jobs.

But we can't get there without first passing the kind of legislation we will vote to open debate on this afternoon. It is the only way to enact clear standards and guidelines that our trade negotiators need to move forward, and that Congress needs to appropriately assert its authority in this area.

So yesterday's agreement is significant. I thank Chairman HATCH and his negotiating partners for the good, bipartisan cooperation that got us to where we are.

I would like to thank the President, too. No, you are not hearing things. President Obama has done his country a service by taking on his base and pushing back on some of the more ridiculous rhetoric we have heard. He was right to remind everyone that "you don't make change through slogans" or "ignoring realities." He should be recognized for it.

The American people sent a divided government to Washington. But it doesn't mean they don't want us to work together on issues where we can agree. And on this issue, we do agree.

Today's vote brings us closer to achieving a positive outcome for the people we represent. I look forward to continued positive engagement from both the President and Members of both parties as we move forward on these bills.

### OBAMACARE

Mr. MCCONNELL. Mr. President, it is good to see forward momentum on trade. That is certainly good for the American people. But there are other issues that both parties should want to address, too, such as the broken promises of ObamaCare. It would be nice to see more bipartisan support there, and I hope we will at some point, because we all know that ObamaCare is a law filled—literally filled—with broken promises. We all keep seeing reminders of how it failed so many of the same people we were told it would help.

Back in my State in Kentucky, we are seeing how hospitals and their patients are feeling the negative effects of this partisan law. That is particularly true in the rural areas of my State. A recent report showed that ObamaCare's multibillion-dollar attack on hospitals in Kentucky is expected to result in a net loss of \$1 billion over the next few years—a net loss to Kentucky hospitals of \$1 billion over the next few years.

These hospitals are expected to lose more money under ObamaCare than they are expected to gain in new revenue from the Medicaid expansion. And, largely due to ObamaCare, these losses are forcing Kentucky hospitals to cut jobs, reduce or freeze wages, and, in some instances, even close altogether. We have lost at least two rural critical-access hospitals this year.

Officials report that Kentucky hospitals are suffering partly because more than three out of every four Kentuckians who signed up for ObamaCare were in fact put on Medicaid, and we know that Medicaid reimburses hospitals for less than it costs to treat patients.

So despite promises that greater access to coverage would decrease visits to the emergency room and the cost associated with those visits, the vast majority of emergency room doctors now say they have actually experienced a surge—a surge—in patients visiting the ER since ObamaCare came into effect.

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



Printed on recycled paper.

S2897

In fact, a recent survey reported that thousands of ER doctors have actually seen an increase in emergency room visits since the start of last year. One physician from Lexington was quoted as saying he had seen “a huge backlog in the ER because the volume has increased.” He went on to say that ER volume rose by almost a fifth in the first few months of this year, which is nearly double—nearly double—what he saw last year in the same period.

There are a lot of reasons for these increases, but as one ER physician put it, “visits are going up despite the ACA, and in a lot of cases because of it.”

Volume in the ER is driven as a result of coverage expansion, adding a lot of new people, that has largely been born by the Medicaid program. As I have said previously, though, increasing coverage doesn't guarantee access to care, and prior to Medicaid expansion, Kentucky already faced a shortage of physicians participating in Medicaid. Now, there are more than 300,000 additional enrollees—adding 300,000 new people to an already broken system. So when Americans on Medicaid get sick and can't find a doctor, who will treat the Medicaid patients? Where do they end up? Of course, in the emergency room.

Here is how one Kentucky newspaper described it last year:

That's just the opposite of what many people expected under ObamaCare, particularly because one of the goals of health reform was to reduce pressure on emergency rooms by expanding Medicaid and giving poor people better access to primary care.

Instead [what is happening], many hospitals in Kentucky and across the nation are seeing a surge of those newly insured Medicaid patients walking right into emergency rooms.

One Kentucky doctor described it as a “perfect storm”—a perfect storm. “We've given people an ATM card,” he said, “in a town with no ATMs.”

Given ObamaCare's most famous broken promise about Americans being able to keep the health plans they liked, it is easy to see how a person who had access to good insurance and quality care before ObamaCare would find himself or herself forced onto Medicaid and into the emergency room today. A recent report found that among certain hospitals in Kentucky, as many as one in five individuals covered by Medicaid had previously had private health insurance.

So, unfortunately, it wasn't hard to see this coming. A lot of us warned about it. We warned that providing supposed health coverage, without actually giving someone access to health care, is really just a hollow promise. You could promise coverage, but it doesn't mean anything if there is nobody there to care for the people who are covered.

The same could be said of warnings regarding the impact of ObamaCare's deep Medicare cuts and the impact of that on hospitals. I wish the politicians who rammed ObamaCare through over

the objections of the American people had heeded these warnings. We made all these warnings 6 years ago.

So this is just one more reminder why ObamaCare is bad for Kentucky, why it is bad for the middle class, and why it is bad for our country.

But here is the good news. The new Congress just passed a balanced budget this week with legislative tools that will allow us to begin to address ObamaCare's broken promises. I hope President Obama and our colleagues across the aisle will work with us to do so.

We owe the American people more than ObamaCare's broken promises. We owe them real health reform that lowers costs and increases choice.

I hope our friends across the aisle will work with us in a bipartisan way to help achieve that important outcome.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### FISA DATA

Mr. REID. Mr. President, yesterday the House of Representatives voted overwhelmingly—with approximately 330 votes—to end the bulk collection of Americans' phone records. Last week a Federal court, the Second Circuit Court of Appeals, ruled that the Federal Government's bulk collection program is illegal.

The majority leader seems prepared to lead the Senate into reauthorizing an illegal program. He has spoken here on the floor in that regard. So how can one reauthorize something that is illegal?

This is not a partisan issue. Democrats and Republicans are united in favor of reforming the National Security Agency and how they collect their data.

The House, yesterday, as I indicated, voted in favor of reform, overwhelmingly, but Republicans in the Senate want to move forward without making any changes. I don't think so.

The Republican leader is isolated in his desire for a clean extension of illegal spying programs. For example, the chairman of the Judiciary Committee in the House of Representatives, Mr. GOODLATTE, said yesterday that if the House gets an extension of FISA—the Foreign Intelligence Surveillance Act—it will go nowhere. It is dead, according to the chairman.

Republicans and Democrats have vowed to filibuster a clean extension if the Republican leader brings one to the floor. That is what is going to happen here in the Senate. I have heard extended statements by the junior Senator from Kentucky, who said that. There are others who feel the same way. Even if my friend plows forward in the face of what the bipartisan opposition is to this matter, it will take at

least a week to secure the vote. And maybe that isn't even possible.

We have a chance to take bipartisan action that protects Americans' civil liberties. It would be irresponsible for us to squander this opportunity.

#### AMTRAK TRAIN DERAILMENT

Mr. REID. Mr. President, as I said yesterday, my heart goes out to those who suffered in the terrible accident of Amtrak's Northeast Regional Train No. 188, on Tuesday night at 9 p.m., when the accident occurred. As we now know, the train was going more than 100 miles an hour on a curve where it should have been going 50 miles an hour.

It is very tragic. Seven people died and scores are injured. There were about 250 people on the train. It is unfortunate that sometimes it takes an event such as this before policymakers learn what they need to learn. But worse still would be if policymakers fail to learn anything at all.

National Transportation Safety Board member Robert Sumwalt said there is technology available called positive train control that would have prevented this accident. That technology is in place in a few places in the Northeast corridor. This Northeast corridor, millions of people travel there, but it is not yet in place where the accident happened.

There are Members of the Republican Senate who have for years denigrated, belittled, and harmed the Amtrak system. I have watched this, and it is really unfair. They attack Amtrak every year, every appropriations process. Many on the far right regularly try to punch the Nation's train system right in the gut. They have made it a punching bag.

Yesterday, the House of Representatives approved a bill that underfunds Amtrak by another one-quarter of a billion dollars. The day after that tragic accident, they say: We are going to help Amtrak by cutting spending by another one-quarter of a billion dollars.

A nation's train system can be efficient and productive. It can be a point of national pride, but too often neglect of Amtrak has left America's train system a disappointing embarrassment. Amtrak is a vital part of our Nation's economy, and everyone should understand that. It helps—I repeat—millions and millions of people get where they need to go. It takes cars off congested highways. It takes people away from airports.

For the safety of rail passengers, for the business it helps to foster, and for the reputation of our great Nation, I hope we can learn to invest more in this important national resource. They need more, not less.

#### AFFORDABLE CARE ACT

Mr. REID. Mr. President, my friend, the Republican leader, must be in denial to come to the floor and talk