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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHNNY ISAKSON, a Senator from the State of Georgia.

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

Let us pray:

Eternal and Almighty God, we have lived long enough to know that we cannot escape Your presence or Your love. Teach us Your way of salvation and show us the path that leads to a meaningful life.

Today, use our lawmakers to accomplish Your will. Stretch their understanding so that they will have the right priorities. Give them a creativity to devise strategies which will make our Nation and world better. Enter their hearts and make them Your faithful servants. Equip them to relieve suffering and to serve sacrificially. Make their highest motivation be not to win over one another but to win with one another by doing Your will.

We pray in Your awesome Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHNNY ISAKSON 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. STEVENS).

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, September 21, 2006.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHNNY ISAKSON, a

Senator from the State of Georgia, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. ISAKSON 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. FRIST. Mr. President, today, we will begin a 30-minute period of morning business, which will be equally divided between the two sides. Following that morning business, we will return to the motion to proceed to the border fence act. Cloture on the motion to proceed was unanimously invoked yesterday. The postcloture time will expire at 5:45 this afternoon. We will be on the bill at that time, or if an agreement is reached with the Democratic leader, we hope to proceed to it at an earlier time. Senators will be alerted as to the prospects for rollcall votes as we determine what the rest of today's schedule is.

ACTIVITY IN THE SENATE

Mr. FRIST. Mr. President, we have a lot of activity going on, both on the floor and also off the floor. We have several conference reports, in terms of appropriations bills—Homeland Security and Department of Defense. We are making real progress. We will address those next week. An issue which I am constantly asked about by press and constituents is what progress is being made and how much progress is being made on the legislation surrounding terrorist camps and terrorist military tribunals and terrorist surveillance. There is a lot of activity at the committee level. Negotiations are under-

way and, hopefully, we will be able to report back more on that later this afternoon.

Today, I believe most of the debate postcloture time will be used on border security and on the issues surrounding immigration. We will have votes on Monday and, I would say, they are likely Friday. As I have said each day this week, we may have to be in next Saturday. I urge our colleagues to focus on accelerating their work at the committee level so we can finish at a reasonable time next week.

Mr. REID. Mr. President, has the majority leader made a decision as to when we are going to vote Monday?

Mr. FRIST. Monday afternoon around 5 o'clock to 6:30. There have been several questions about that.

Mr. REID. The other question is, I recognize that other than delaying things, if the majority wants to go home, that is what we do because we have fewer votes than they have. But my Senators are asking, and staff is asking, is this Friday and Saturday the date that the majority is going to go home?

Mr. FRIST. Next Friday or Saturday.

Mr. REID. The reason I say that, if there is some anticipation that if things don't work out, we are going to go beyond next week, our folks should know that.

Mr. FRIST. It is very important, Mr. President, that we keep everybody's schedules clear because there are campaigns going on. People need to get back to their States. It is our intent that we are going to stick with it. Unless there is an unforeseen emergency of some sort, we will finish next week. We will be out this month. My intention is to finish Friday, working with the Democratic leader in that regard. There is very important business for us to do, and that should send a signal that we have to keep our committees and conferences working for the rest of today, tomorrow, and over the course of the weekend and into next week.

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



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Unless there is something very surprising, I expect we will be out this month. I would like for it to be Friday, but it may be Saturday.

Mr. REID. The majority leader and I have had private conversations. It is my further understanding that the majority leader is planning on coming back the following Monday after the elections?

Mr. FRIST. The following week.

Mr. REID. Monday or Tuesday?

Mr. FRIST. Right. It is clear that over the next 8 or 9 days, we have unfinished business we absolutely must do. Looking at the calendar, either that Monday or Tuesday of the week following the elections, we will be back in.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. 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.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the majority leader or his designee.

The Senator from Michigan is recognized.

PHYSICIAN MEDICARE PAYMENTS

Ms. STABENOW. Mr. President, I rise today to urge my colleagues to come together to pass an update of the physician Medicare payments and to stop what will be over a 5-percent cut that will take place in January if we do nothing.

We need to have a sense of urgency about this issue. Eighty Senators on both sides of the aisle—80 out of 100—came together and signed a letter to our leader asking that a positive Medicare payment update for 2007 happen before the Senate adjourns. Senator REID spoke on the floor in support of that effort. I urge our Senate leader to come to the floor, and in the final days of the session before we break for the elections do what 80 people in this Senate—80 Senators out of 100—have come together and agreed physicians must be provided, which is a positive Medicare payment update for 2007.

I am deeply concerned that after the election we may or may not have the focus in order to be able to get that done before the end of the year. It is vital not just to physicians but to the people we represent—the seniors, people with disabilities—that we get this done. Eighty Senators out of 100 have sent a letter to our two Senate leaders and have urged that we act now. Senator REID has indicated his support for doing that. We need our Senate leader to bring this to the floor so we can get it done.

I joined these 80 Senators in sending that letter in July because we know that if we don't provide even a minimum update, we destabilize the Medicare system and put all patient access to health care at risk. That is not an understatement.

There needs to be a tremendous sense of urgency about this issue. What has happened since July 17 when we sent the letter? Nothing. There has been no committee hearings, no markups—despite 80 Senators agreeing that we have a need to provide a minimum update for physician services. There has been no effort by the majority leader to bring this issue to the floor. We have had no willingness to bring up an issue that has incredible significance to tens of millions of Americans all across our country.

I am here this morning because we have only 7 days or 8 days—whatever the number is—left before we adjourn for the elections. We don't know what will be happening after that. We certainly know there are many critical issues left and much to be done. The appropriations process isn't completed. There are many items on the agenda after the election. It is very uncertain what will be happening. We know that right now we can get it done. We do know with certainty that come January there is going to be a 5-percent cut for physicians and fewer physicians being able to care for our seniors and people with disabilities if we do not act.

With 80 people urging that we act, this should be a simple process. This should be, as they say, a no-brainer to bring this to the floor and simply get it done. We need to do something today. There is no reason not to do this today. We can get it done quickly. Eighty Senators wrote:

The undersigned Members respectfully urge you to ensure that these impending cuts are addressed before Congress adjourns. At a minimum, we must provide physicians with a positive Medicare payment update for 2007.

So we have the critical mass necessary to get this approved. The change we are seeking in law directly tracks MedPAC's recommendation for what the physician payment update should be for 2007. So we have a solid policy. We have an overwhelming majority of Senators, based on solid policy, and we know if we don't make this change, our seniors and people with disabilities are going to lose access to their doctors.

We know from a recent survey conducted by the AMA that if the scheduled cuts go into effect, 45 percent of doctors will decrease the number of Medicare patients they accept. Fifty percent of doctors will defer the purchase of health information technology which, I might add, is an area where we, under our budget jurisdictions for Medicare and Medicaid and other health care programs, will reap huge savings, hundreds of billions of dollars with health information technology. But you cannot tell a physician who is trying to make ends meet to be able to continue to serve people that, by the way, we are going to cut your payments coming in, but we want you to buy new hardware and software and train people and do all of these other things so that the Federal Government can save dollars. It doesn't make any sense.

We also know that 37 percent of doctors practicing in rural communities—and in my great State of Michigan, we have a huge, beautiful rural part of our State. I grew up in one of those small towns, in Clare, in the northern low peninsula.

I understand about access to physicians and access to health care. We know that 37 percent of doctors practicing in rural communities will be forced to discontinue rural outreach, and 43 percent of physicians will decrease the number of new TRICARE patients they serve. So we clearly have a need.

Also, we know that when we cut payments, whether it is to physicians, hospitals, home health care agencies, or nursing homes, we do not really save any money. We just create more people who cannot get the care they need when they need it. And what happens? They walk into the emergency room sicker than they should be. They get the care they need. Our hospitals provide that care. But then they have to recoup those costs, so they roll those costs over to everybody with insurance. In a State with a huge manufacturing base, with employers that provide health care, this goes right on their backs. Businesses large or small end up seeing their health insurance rates go up. So the private sector ends up paying for all of these expenses, and it does not save money to cut physicians' payments or other Medicare or Medicaid payments, either one, because then the private sector has to look for ways to cut. They ask working people and their families to pay more for health care or they cut the kind of health insurance they have. What happens? More people walk into the emergency room. This happens every day.

What are we waiting for? We have 7, 8 days left. We have a clear problem and a clear solution and a clear majority of Senators who want to see this fix happen.

Over 20,000 M.D.s and D.O.s in Michigan provide more than 1.4 million seniors and people with disabilities in Michigan with high-quality medical