

1 The "discussion" by Jim DeMint on the Senate floor regarding the  
section in the Health Care bill that makes the "death panel" unable  
to be repealed ...

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4 Section 3403 of Senator Harry Reid's amendment requires that "it  
shall not be in order in the Senate or the House of Representatives  
to consider any bill, resolution, amendment, or conference report  
that would repeal or otherwise change this subsection." The good news  
is that this only applies to one section of the Obamacare  
legislation. The bad news is that it applies to regulations imposed  
on doctors and patients by the Independent Medical Advisory Boards  
a/k/a the Death Panels.

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9 DEMINT

10 mr. president, is the chair aware of any precedent where the senate  
created a new law and in doing so created a new rule - and i'm  
quoting from our bill - "it shall not be in order in the senate or  
the house of representatives to consider any bill, resolution,  
amendment or conference report that would repeal or otherwise change  
the law." is the chair aware that we have ever put this type of  
binding legislation on future congresses in a bill?

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12 7:39 PM

13 THE PRESIDING OFFICER

14 it is quite common to do that.

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16 DEMINT

17 i would ask the chair to get those references, if the parliamentarian  
would, to us. mr. president, another parliamentary inquiry. if this  
new law will operate as a senate rule, making it out of order for  
senators to propose amendments to repeal or amend it it - i've been  
in congress 11 years. i have not ever heard of an amendment being  
called out of order because it changes something that was done  
before. you know, how is that different from the types of senate rule  
making for which our predecessors in their wisdom provided a  
two-thirds cloture vote?

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19 this seems to be a redefinition of words in my mind. mr. president,  
it's clear that the parliamentarian is - is going to redefine words,  
as i'm afraid he has done as part of this process before, but this is  
truly historic, that we have included rules changes in legislation.  
we have included rules changes in this legislation yet we're ignoring  
a rule that requires a two-thirds cloture vote to pass it. i believe  
that

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21 it's unconstitutional. it subverts the principles that - i believe it  
subverts the principles that we've operated under and it's very  
obvious to everyone that it does change a rule. mr. president, it's  
clear that our rules mean nothing if we can redefine the words that  
we use in them. and i yield the floor.

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23 7:40 PM  
24 THE PRESIDING OFFICER  
25 the chair will note that it is quite common to include provisions  
affecting senate procedure in legislation.  
26  
27 7:41 PM  
28 DEMINT  
29 is there a difference between senate procedures and rules?  
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31 THE PRESIDING OFFICER  
32 yes.  
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34 DEMINT  
35 and so the language you see in this bill that specifically refers to  
a change in a rule is not a rule change, it's a procedure change?  
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37 THE PRESIDING OFFICER  
38 that is correct.  
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40 DEMINT  
41 then i guess our rules mean nothing, do they, if they can re define  
them. thank you. and i do yield back.  
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43 THE PRESIDING OFFICER  
44 the senate stands adjourned until 7:00 a.m. tomorrow.