

mine resistant ambush protected, MRAP, vehicles and more than 6,600 MRAP all-terrain vehicles, MRAP-ATVs, which will save countless lives in Iraq and Afghanistan. For our service members and their families, it will also provide a 3.4-percent pay raise, additional funding for the Defense Health Program, and \$120 million to support research for traumatic brain injury and psychological health research.

I am particularly proud of the critical role that Connecticut plays in supporting our Nation's defense, a role that this act reaffirms. Connecticut workers are essential to building critical equipment and systems that account for nearly 15 percent of the \$104.4 billion in procurement funds provided in this bill. These include the Virginia class submarine, the Blackhawk family of utility helicopters, the engines that power the F-35 Joint Strike Fighter, the powerful radar on the Joint STARS aircraft, and even the Colt carbine that our soldiers carry at the frontlines of battle. There truly is a Connecticut worker supporting every member of the U.S. Armed Forces.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Could we have order?

The PRESIDING OFFICER. The majority leader.

Mr. REID. First of all, to the Senate: This is a good, strong message we have sent to our men and women in uniform around the world as 88 Senators voted. It was a little bit of a struggle to get here, but we got here, and I am so grateful we were able to do that.

#### MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2010

Mr. REID. Madam President, we are going to do the continuing resolution now until the 23rd. The reason for that is this Defense bill will take a little time to enroll. We want to make sure there are no gaps in having full funding for Secretary Gates.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 64, the continuing resolution received from the House and that is at the desk; that the joint resolution be read three times and passed, and a motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The joint resolution (H.J. Res. 64) was ordered to a third reading, was read the third time, and passed.

#### SERVICEMEMBERS HOME OWNER-SHIP TAX ACT OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

Pending:

Reid Amendment No. 2786, in the nature of a substitute.

AMENDMENT NO. 3276 TO AMENDMENT NO. 2786

Mr. REID. Madam President, I ask unanimous consent that the amendment be considered read.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. It is my understanding that the amendment needs to be reported at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN, proposes an amendment numbered 3276 to amendment No. 2786.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, before offering the amendment, the so-called managers' amendment, I have spoken to my Republican counterpart.

I ask unanimous consent that a Democratic Senator on my side be allowed to speak for up to 9 minutes prior to my offering the amendment.

Mr. McCONNELL. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCONNELL addressed the Chair.

Mr. REID. I have not given up the floor, Madam President.

Mr. McCONNELL. Madam President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The minority leader is recognized for a parliamentary inquiry.

Mr. McCONNELL. What is the pending business?

The PRESIDING OFFICER. The amendment No. 3276 that has been presented.

Mr. McCONNELL. Is it necessary to report the last amendment?

Mr. REID. The amendment, I think, has been reported.

The PRESIDING OFFICER. The amendment has been reported.

Mr. REID. I still have the floor; is that right?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The regular order is the reading of the amendment unless consent is granted that that not occur.

Mr. REID. Madam President, first of all, it is my understanding—Madam President, I understand the amendment has to be read. This is the so-called managers' amendment that is at the desk.

I ask unanimous consent that—if the minority wants this amendment read, it is going to take a little bit of time to do that, and I understand that. But I ask unanimous consent, as I did, that Senator NELSON of Nebraska be allowed to speak for up to 9 minutes.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, it is my understanding that the Senator from Nebraska told me before coming here he had a question he wanted to ask; is that right?

Mr. NELSON of Nebraska. The Senator is correct.

Mr. McCONNELL. The regular order is the reading of the amendment, I understand.

The PRESIDING OFFICER. The regular order is the reading of the amendment.

The clerk will read the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. BURRIS). Is there objection?

Mr. ENSIGN. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue.

The assistant legislative clerk continued with the reading of the amendment.

Mrs. BOXER. Mr. President, I ask unanimous consent that this amendment be considered as read.

The PRESIDING OFFICER (Mr. DURBIN). Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue.

The Assistant Parliamentarian (Leigh Hildebrand) continued with the reading of the amendment.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

Mr. SESSIONS. I object.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Objection is heard. The clerk will continue.

The Assistant Secretary continued with the reading of the amendment.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

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

#### CLOTURE MOTIONS

Mr. REID. Mr. President, I have three cloture motions at the desk.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 3276 to the Reid substitute amendment No. 2786, to H.R. 3590, the Service Members Home Ownership Tax Act of 2009.

Christopher J. Dodd, Richard Durbin, Max Baucus, Paul G. Kirk, Jr., Claire McCaskill, Jon Tester, Maria Cantwell, Barbara A. Mikulski, Mark Udall, Arlen Specter, Sherrod Brown, Mark

Begich, Sheldon Whitehouse, Bill Nelson, Roland W. Burris, Kirsten E. Gillibrand, Ron Wyden.

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid substitute amendment No. 2786 to H.R. 3590, the Service Members Home Ownership Tax Act of 2009.

Christopher J. Dodd, Richard Durbin, Paul G. Kirk, Jr., Max Baucus, Claire McCaskill, Jon Tester, Maria Cantwell, Barbara A. Mikulski, Mark Udall, Sherrod Brown, Arlen Specter, Bill Nelson, Mark Begich, Sheldon Whitehouse, Roland W. Burris, Kirsten E. Gillibrand, Ron Wyden.

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3590, the Service Members Home Ownership Tax Act of 2009.

Christopher J. Dodd, Richard Durbin, Mark Begich, Paul G. Kirk, Jr., Sheldon Whitehouse, Roland W. Burris, Max Baucus, Sherrod Brown, Claire McCaskill, Jon Tester, Barbara A. Mikulski, Bill Nelson, Maria Cantwell, Mark Udall, Arlen Specter, Kirsten E. Gillibrand, Ron Wyden.

The PRESIDING OFFICER. The majority leader is recognized.

## AMENDMENT NO. 3276

Mr. REID. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3277 TO AMENDMENT NO. 3276

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3277 to amendment No. 3276.

The amendment is as follows:

At the end of the amendment, add the following:

The provisions of this Act shall become effective 5 days after enactment.

## AMENDMENT NO. 3278

Mr. REID. Mr. President, I have an amendment to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3278 to the language proposed to be stricken by amendment No. 2786.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 4 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? The appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3279 TO AMENDMENT NO. 3278

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3279 to amendment No. 3278.

The amendment is as follows:

In the amendment, strike "4" and insert "3".

## MOTION TO COMMIT WITH AMENDMENT NO. 3280

Mr. REID. Mr. President, I have at the desk a motion to commit the bill with instructions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee with instructions to report back with the following amendment numbered 3280.

The amendment is as follows:

At the end, insert the following: The provisions of this Act shall become effective 2 days after the enactment.

Mr. REID. Mr. President, I now ask for the yeas and nays on that motion. The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

## AMENDMENT NO. 3281

Mr. REID. Mr. President, I have an amendment to those instructions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3281 to the instructions of the motion to commit.

The amendment is as follows:

Strike "2 days" and insert "1 day".

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment. The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

## AMENDMENT NO. 3282 TO AMENDMENT NO. 3281

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3282 to amendment No. 3281.

The amendment is as follows:

Strike "1 day" and insert "immediately"

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorums be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. 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.

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

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, I have spoken to my friend, the Senator from Oklahoma, and he thinks this is appropriate. He wants to speak, and we have known that for some time. So I ask the following unanimous consent request: I ask unanimous consent that at the conclusion of 10 minutes for Senator STABENOW and 10 minutes for Senator DURBIN, Senator COBURN be recognized; that at the conclusion of his remarks—and he said he will probably take a couple of hours—the Senate then stand adjourned, after he completes his remarks, until 1 p.m. tomorrow, Sunday, December 20; that on Sunday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of H.R. 3590, and that the time until 1:30 p.m. be equally divided and controlled between the two leaders; that beginning at 1:30 p.m. and until 11:30 p.m., Sunday, there be alternating hour blocks of time, with Republicans controlling the first hour block; that at 11:30 p.m., Sunday, the Senate then recess until 12:01 a.m., Monday, December 21; that following the prayer and pledge, the time until 1 a.m. be equally divided and controlled between the two leaders or their designees, with the majority leader controlling the final 10 minutes prior to 1 a.m., and the Republican leader controlling the 10 minutes immediately prior to that; that at 1 a.m. the Senate proceed to vote on the motion to invoke cloture on the Reid and others managers' amendment; and that today the debate of Senators DURBIN, STABENOW, and COBURN be for debate only; and that also for Sunday the same thing. I did not mention that before.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object, and I do not intend to object, but I want to make a parliamentary inquiry prior to us doing that. And the inquiry is this: Based on the second-degree amendments just filed by the majority leader, as well as the elimination of their language, is it, in fact, the effect that no other amendments will be allowed on this bill?

The PRESIDING OFFICER. There are no available amendment slots at this time.

Mr. COBURN. Further in my parliamentary inquiry, if there were amendments available, could they be filed on this bill?

Mr. REID. I am sorry, I could not hear my friend.

Mr. COBURN. If, in fact, amendments were available, could amendments be filed to this bill and made pending?

I will restate my inquiry to the Chair. Is it, in fact, a fact that because of the filling of the tree by the majority leader, the opportunity to amend the bill before us will be limited?

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. Thank you.

I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, this may surprise everyone, but tomorrow is the shortest day of the year, December 21. We start longer days after that.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I just want to take this opportunity to thank the clerks. I know it has been a challenging experience to have to read for the last 7 or 8 hours, but I just wanted to thank them for their good work and good spirits in the holiday season; and for those who substituted during the process, I hope you will extend to them our thanks as well.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, it is very nice of the Republican leader to recognize them. I join in his remarks, and not only the reading, but the long, long hours they have had to bear over the last several weeks.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I do not see the Senator from Michigan on the Senate floor. I hope she will not be upset if I go first. I had spoken to her earlier about a 10-minute statement, and she is to have a 10-minute statement, as well, relative to this managers' amendment.

We just spent the last 7½ or 8 hours having the clerks dutifully read this 383-page amendment. During that period of time, many of us have had a chance to read it ourselves. We have had staff explain it to us, and for those who are wondering what has happened, we can tell them the following.

Originally, we offered this bill—2,074 pages—on health care reform. It was offered by Senator REID, after a merger of the bills created by the Health, Education, Labor, and Pensions Committee as well as the Finance Committee. Then an effort was made to perfect this bill and address some other provisions that were not included. That effort was underway for a lengthy period of time because the Congressional Budget Office had to look at each suggestion to

see whether it had an impact on the cost of the bill or the goal of the bill, which is to make health insurance more affordable.

Finally, the Congressional Budget Office has given its report—not in its entirety—but at least its preliminary report, and the news is very encouraging. Many of my colleagues come to the floor—the Senator from Oklahoma, who will speak after Senator STABENOW and I—and talked about our Nation's deficit. It is appropriate that issue be raised and taken seriously.

But I hope the Senator from Oklahoma and others who raise that issue will acknowledge something; this health care reform bill, as amended, is the greatest deficit reduction bill in the history of the United States. We have now been told by the Congressional Budget Office this bill will not only reduce our deficit over the next 10 years by over \$130 billion, but in the following 10 years, their new calculation is it will reduce the deficit of the United States up to \$1.3 trillion. How does it achieve this? It achieves this by achieving the goal of this bill: to bring down the increase in costs in health care.

The Congressional Budget Office tells us—and this is an independent group that looks at these things—we are achieving our goal to start bringing down the cost of health care in America. For those who will come to the floor and make speeches about our deficit and debt, please give credit where it is due. This bill will do more to reduce the deficit than anything ever proposed in Congress.

The second thing I wish to say is the basics of this bill remain. At the end of the day, 94 percent of the people in America will have health insurance, the highest percentage insured in our history. Thirty-one million uninsured Americans will have health insurance because of this legislation.

In addition to bringing down the costs of medical care and health insurance, in addition to extending the protection of insurance to over 30 million Americans currently uninsured, this bill will also provide protections to individuals against discrimination by health insurance companies. The new amendment which has been introduced today goes even further than the original bill. I think it will be a source of great consolation to many families across America to know this new amendment will say, in a very brief period of time, that every child under the age of 18 will be entitled to health insurance regardless of preexisting conditions. That is an amazing statement. It is an incredible statement. It says we are going to move forward quickly on this protection of the bill to eliminate the discrimination against people because of preexisting conditions and we will start with those under the age of 18 and do it in short order. That, to me, is a dramatic change.

Then, it says health insurance companies are now going to have to assert

that the premiums collected are actually used to pay medical expenses. We will require of them that the medical loss ratio of certain companies be 80 percent and others up to 85 percent, which means the money collected in premiums—that money, up to 85 percent—has to be spent on actual medical expenses. That reduces the amount of money for these health insurance companies to spend on advertising, on salaries, on bonuses, on clerical help to deny claims. It says: Focus the money on helping people or rebate the money to those who pay the premiums.

In addition to that, this bill is going to make certain, with this new amendment, that patient health insurers have to abide by patient protections; for example, that protect an individual's right to choose their own doctor; also, ensuring access to needed care and guaranteeing an opportunity to appeal any denial of coverage. This bill, with its new amendment, is going to offer alternatives that aren't available today. I look at all these things in the bill, and I think of the profound impact some of them will have.

One of the provisions in this bill is going to dramatically expand community health centers across America. Senator BERNIE SANDERS of Vermont has been credited with being the leader on this, and he should be. He has done an extraordinary job. What a legacy he will leave and this bill will create: 10,000 more clinics and health care centers across America providing primary care in towns large and small. Rural and underserved communities will have opportunities tomorrow they don't have today because of this.

In addition to these things, this bill expands the small business health care affordability tax credit. I am not going to go into depth on this because Senator STABENOW from Michigan has been our leader on that, and she will tell you how. To the critics on the other side of the aisle who say this bill raises taxes and doesn't help people: Wait until you hear from Senator STABENOW what this bill does for small businesses. It expands tax credits to small businesses so they can provide health insurance to their employees. What a breakthrough this will be for many businesses that can't afford to do it today.

We also have provisions in here to engage in more direct efforts to try to find ways to reduce medical malpractice and the lawsuits that follow. It is an aggressive effort to find ways to protect victims of medical malpractice and yet reduce any lawsuits which should not be filed to the lowest possible number.

This bill increases access to workplace wellness programs, something all of us believe is the way of the future.

Let me also tell my colleagues that this bill has a provision in it which I have included, and I thank the leadership for accepting, on congenital heart research. This is near and dear to me and my family. The problem we have

run into is many children born with congenital heart defects end up living into adulthood without the necessary surveillance to determine what is the best practice to keep them alive and healthy and comfortable. This is a very tiny part of this bill, but it is so important to so many families that we will finally have surveillance of these patients around America with congenital heart defects and find those therapies that work best, those surgeries that will succeed. It will bring peace of mind to a lot of families to know we are going to make this extra special effort with a birth defect which affects literally hundreds of thousands of Americans.

I think this bill has been improved by this amendment. I know the Senator from Oklahoma is going to speak about the issue of amendments. I wish to say for the record that this is the 20th day since we brought this bill to the floor. In the 20 days the Senate has been considering this bill, the Republican side of the aisle has offered four amendments to change the bill—four amendments in 20 days. They offered another six motions to send the bill back to committee and stop the deliberation on the Senate floor but only four substantive amendments. We have been promised over and over there would be a substitute amendment which is even better than ours. It has never been introduced by the Republican side of the aisle. It certainly has never been cleared with the Congressional Budget Office. If they had a better idea, where has it been for 20 days? The amendments which they offered, many of them, related directly to the Medicare Advantage Program.

I think they offered at least two of their four amendments to protect that program. It is a private health insurance program, heavily subsidized by the Federal Government and one that, frankly, is wasting dollars that should be spent to help people and expand their care under Medicare. They have tried, time and again, on behalf of these health insurance companies to continue the subsidy, but we know it is wasteful and we know there is a better expenditure.

So I would say to those who would complain now while here, we are almost out of time to offer amendments, where have you been? For 20 days, for almost 3 weeks, where have you been? Where have your amendments been? You had your chance. Your leadership could have brought them to the floor but, instead, we had six motions to commit—take the bill off the floor—instead of amendments that dealt with the basic substance of the bill.

I think we have a good bill, and I think we have reached the point where we should vote, have an up-or-down vote. The Senate has considered this for a year. We have no Republican alternative that has been cleared by the Congressional Budget Office that indicated it is a viable alternative, and now we should bring the one bill before

us that can make a difference in America: make health care more affordable, expand its coverage to 94 percent of our people, give our families and individuals across America a chance to bargain effectively with health insurance companies that say no. That, to me, is a good bill.

The bill that has just been read on the floor has been posted on the Internet now for more than 4 hours. Go to Senate Democrats, take a look, you will find it, and when you do, you will find the original bill and this amendment. All of America will get a chance to read this bill in its entirety today, tomorrow, and Monday, before the vote is going to be taken as to whether we are going to proceed with this managers' amendment, 72 hours before there is a vote on Tuesday morning, so America will have a chance, as it should, because it is a critically important issue.

The last thing I wish to do—Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. DURBIN. I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an article written by Victoria Reggie Kennedy, which will be published tomorrow in the Washington Post Sunday edition. It is entitled, "The moment Ted Kennedy would not want to lose."

There are many things said here which we can expect, but the one paragraph I wish to read into the RECORD is as follows, from the wife of Senator Ted Kennedy:

Still, Ted knew that accomplishing reform would be difficult. If it were easy, he told me, it would have been done a long time ago. He predicted that as the Senate got closer to a vote, compromises would be necessary, coalitions would falter and many ardent supporters of reform would want to walk away. He hoped that they wouldn't do so. He knew from experience, he told me, that this kind of opportunity to enact health care reform wouldn't arise again for a generation.

This bill has been called many things. It is officially titled the "Patient Protection and Affordable Care Act." I am going to refer to it as "Kennedy Care" because Ted Kennedy, throughout his public career, cared deeply about this health care issue.

Our time is here, and in his name and in his memory, we need to pass this historic legislation.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MOMENT TED KENNEDY WOULD NOT WANT TO LOSE

(By Victoria Reggie Kennedy)

The Washington Post—Sunday, December 20, 2009; A19—My late husband, Ted Kennedy, was passionate about health-care reform. It was the cause of his life. He believed that

health care for all our citizens was a fundamental right, not a privilege, and that this year the stars—and competing interests—were finally aligned to allow our nation to move forward with fundamental reform. He believed that health-care reform was essential to the financial stability of our nation's working families and of our economy as a whole.

Still, Ted knew that accomplishing reform would be difficult. If it were easy, he told me, it would have been done a long time ago. He predicted that as the Senate got closer to a vote, compromises would be necessary, coalitions would falter and many ardent supporters of reform would want to walk away. He hoped that they wouldn't do so. He knew from experience, he told me, that this kind of opportunity to enact health-care reform wouldn't arise again for a generation.

In the early 1970s, Ted worked with the Nixon administration to find consensus on health-care reform. Those efforts broke down in part because the compromise wasn't ideologically pure enough for some constituency groups. More than 20 years passed before there was another real opportunity for reform, years during which human suffering only increased. Even with the committed leadership of then-President Bill Clinton and his wife, reform was thwarted in the 1990s. As Ted wrote in his memoir, he was deeply disappointed that the Clinton health-care bill did not come to a vote in the full Senate. He believed that senators should have gone on the record, up or down.

Ted often said that we can't let the perfect be the enemy of the good. He also said that it was better to get half a loaf than no loaf at all, especially with so many lives at stake. That's why, even as he never stopped fighting for comprehensive health-care reform, he also championed incremental but effective reforms such as a Patients' Bill of Rights, the Children's Health Insurance Program and COBRA continuation of health coverage.

The bill before the Senate, while imperfect, would achieve many of the goals Ted fought for during the 40 years he championed access to quality, affordable health care for all Americans. If this bill passes:

Insurance protections like the ones Ted fought for his entire life would become law.

Thirty million Americans who do not have coverage would finally be able to afford it. Ninety-four percent of Americans would be insured. Americans would finally be able to live without fear that a single illness could send them into financial ruin.

Insurance companies would no longer be able to deny people the coverage they need because of a preexisting illness or condition. They would not be able to drop coverage when people get sick. And there would be a limit on how much they can force Americans to pay out of their own pockets when they do get sick.

Small-business owners would no longer have to fear being forced to lay off workers or shut their doors because of exorbitant insurance rates. Medicare would be strengthened for the millions of seniors who count on it.

And by eliminating waste and inefficiency in our health-care system, this bill would bring down the deficit over time.

Health care would finally be a right, and not a privilege, for the citizens of this country. While my husband believed in a robust public option as an effective way to lower costs and increase competition, he also believed in not losing sight of the forest for the trees. As long as he wasn't compromising his principles or values, he looked for a way forward.

As President Obama noted to Congress this fall, for Ted, health-care reform was not a

matter of ideology or politics. It was not about left or right, Democrat or Republican. It was a passion born from the experience of his own life, the experience of our family and the experiences of the millions of Americans across this country who considered him their senator, too.

The bill before Congress will finally deliver on the urgent needs of all Americans. It would make their lives better and do so much good for this country. That, in the end, must be the test of reform. That was always the test for Ted Kennedy. He's not here to urge us not to let this chance slip through our fingers. So I humbly ask his colleagues to finish the work of his life, the work of generations, to allow the vote to go forward and to pass health-care reform now. As Ted always said, when it's finally done, the people will wonder what took so long.

**THE PRESIDING OFFICER.** The Senator from Michigan is recognized for 10 minutes.

**Ms. STABENOW.** Mr. President, I wish to thank our distinguished assistant majority leader for being on the floor, for his passion, for his commitment to the issue of health care, affordable health care for every American. I thank him always for his comments.

The bottom line for all of us is, this legislation is about saving lives, saving money, and saving Medicare. I would also say it is about saving jobs.

That is certainly a big focus for me, coming from the State of Michigan. The reality is that this year 45,000 people lost their lives because they couldn't find affordable health insurance. Forty-five thousand families during the holidays will have one less person sharing dinner and exchanging gifts. We can do better than that in this great country. This morning, 14,000 people got up with health insurance and they will go to bed tonight without it and that happens every day, every day, every day. We can do better, and this bill does better than that.

As Senator DURBIN indicated, in addition to other provisions in the bill, this amendment would dramatically expand community health centers across the country where people can have the opportunity to go into the neighborhood community health center, see a doctor, see a nurse, and get the care they need—incredibly important.

This bill saves money. It saves money at every level. This bill has over \$400 billion in tax cuts for small businesses and families in it. I am very pleased and proud to have been part of an effort with other colleagues, including the chair of the Small Business Committee, MARY LANDRIEU, and the distinguished Senator from Arkansas, BLANCHE LINCOLN, and other colleagues to strengthen the provisions for small business that are in this amendment. It is very important.

The 35-percent tax credit for small businesses with up to 25 employees will start next year. So right out of the gate, that is something that will be available for small businesses. We also expand on the provisions that would add to the benefits for that particular tax cut. Going forward, the whole point

of creating an insurance pool that small businesses can buy into and self-employed individuals can buy into and people without insurance is because, right now, big businesses already provide insurance, for the most part, and they get a good deal because they have enough employees to negotiate a better rate. So health insurance reform, in terms of new coverage, is very much about small businesses.

Most of the people who don't have health insurance work. They don't qualify for Medicaid for low-income individuals. They are not in a big business that has health insurance.

They are working for a small business or maybe they are working one part-time job, two part-time jobs, or three part-time jobs without insurance or maybe they had a job and then lost their job and, like many people in my great State, lost their job on day one and lost their insurance on day two. This is very much tied to small business and filling the gap.

Of the people who have insurance now, about 60 percent of the public will keep what they have. They will benefit from the insurance reforms, so they are getting what they are paying for, and people with preexisting conditions will be able to find insurance that they cannot find today. Those who have public plans, such as Medicare, will be able to continue with a strengthened plan. I want to talk about that in a minute.

For that 15 to 20 percent today who cannot find affordable insurance, that is what this health reform is all about—to make sure small businesses and individuals working out of their homes, their garages—the next entrepreneur, the next Bill Gates down the road—have the opportunity to find affordable insurance through a large group pool. That is what this is very much about.

I am very pleased to say we have increased the amount of tax cuts for small businesses and tax cuts overall in this bill to help people afford to buy health insurance.

Also, as a part of saving money, we are for taxpayers saving dollars and reducing the deficit over the first 10 years, the second 10 years, and beyond. The Congressional Budget Office now says that during the first 10 years, we will decrease the deficit by \$131 billion, not the huge increases that are being talked about on the other side of the aisle, and in the second 10 years, we are looking at up to \$1.3 trillion in reduced deficits.

For my large businesses that compete internationally, where we do not have a level playing field right now, in many ways because of health care costs, we are going to be able to bring those costs down. It is absolutely critical for us if we are going to stay competitive and be able to create good-paying middle-class jobs in this country.

We also know we have to stop the insurance company abuses that are occurring today, whether it is dropping people when they get sick because of a

technicality, blocking people from getting care, putting on artificial caps, lifetime caps that stop people from getting coverage, or whether they are spending way too much on administrative costs and on profits rather than putting it into medical care. We address all of those issues in this bill, and this amendment strengthens that as well.

We are very much about saving Medicare. We stop overpayments to for-profit insurance companies and put that money back into closing what has been a gap in prescription drug coverage. We add preventive care with no out-of-pocket costs for seniors, and we lengthen the life of the Medicare trust fund.

I have to take just a moment because we have reached a milestone in all of the delaying tactics that have gone on this year, much of it focused on stopping us from passing health care reform that benefits Americans.

We have now reached 101 different Republican objections to moving our country forward as of today. The party of no has blocked us from moving forward 101 times. People oftentimes say: What does that mean? How can they do that?

The rules of the Senate are such that each Member has the ability to object to something going forward. Most of the time, we operate in a way where people agree and we do not object. But if someone objects and you are trying to get something done, you have to go through motions and time clocks and things that become very difficult for people who are following this to understand.

The reality is, if there is an objection, our leader has to do what he has done today. He files a motion to get past a filibuster, we have to wait 2 days, then we vote on stopping the filibuster, then we wait 30 hours, and then we vote on whatever it is—the amendment, the bill, whatever it is we are trying to do. After that, we then move on to the next step. There is an objection again, as there has been on health care, the leader has to file a motion to stop the filibuster, wait 2 days, vote to stop the filibuster, wait 30 hours, and then vote on whatever it is. This goes on and on.

We have seen historic numbers—what I view as an abuse of the process—historic numbers in order to block us not just from health care reform but from funding the troops with the Department of Defense, extending unemployment insurance for unemployed Americans—I can go on and on.

At every step of what we have tried to do this year—and we have done some historic things—every step of the way, we have had to maneuver through an unprecedented effort to block and stall and say no. Mr. President, 101 times now this has happened.

Despite that, we have accomplished many very important things. We are not done. I am not going to be done until we make sure everybody who wants to work has a good job in this

country, and we are all focused on that. We have a tremendous amount to do together to tackle the debt, to make sure we are supporting efforts for good-paying jobs to be created. But this health reform is a critical part of that because it does, in fact, affect costs in this country. It saves lives. We should care about that.

In this amendment, we add additional funds for prenatal care and to support families who want to adopt children with a refundable tax credit. We put in place other items to support women who are pregnant to make sure they have the health care they need so they and their babies can be healthy moving forward.

This saves lives, saves money, saves Medicare. It is the right thing to do, and it is time to get it done. Now is the time to get this done.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am going to spend a few minutes talking this afternoon. I apologize in advance because the staff is going to stay here, but this is an issue so big, this country has never faced it before. So the inconvenience for us to be here in the Senate Chamber is going to be very well worth it to the American people.

We just heard the assistant majority leader and the Senator from Michigan explain how great what is getting ready to happen is, and I want to tell you, there is a different perspective coming from a country doctor from Oklahoma who has practiced under Medicare and Medicaid for a number of years.

What we heard was, and it is important to the American people listening to this—I am going to go through what the Federal Government has been doing for the last 3 or 4 years, if you want to stay tuned for a civics lesson about the tremendous amount of incompetency and waste in this Federal Government.

We just heard the assistant majority leader talking about amendments. What he did not tell the American people is that the majority required unanimous consent for us to get an amendment and they limited us to 10 amendments over the last 2 weeks. They strung it out so we could not get our amendments up.

The other point I wish to make is that we now have a new amendment—the one offered by the majority leader—to this bill, which we have no opportunity to amend. It is one-sixth of the bill, but there is no opportunity to amend it. So now we have a \$2.5 trillion bill that has had 10 substantive amendments offered to it. The American people should not trust that process.

We heard the Senator from Michigan just say it saves lives. I want to tell you, as a practicing physician, this bill is not going to save lives. It is going to cost lives because we are going to allow the Federal Government to determine what treatment you can get, when you

can get that treatment, and who is going to give it to you. That is the ultimate result of this bill. Over the next few days, we will be explaining and showing why that is the case.

The Washington-speak of "it saves Medicare," a program that is bankrupt now, that has an infinite \$85 trillion unfunded liability—we are going to cut \$1 trillion out of it over the next full first 10 years of this program. And the American people are supposed to expect this is going to save Medicare? It is not going to come anywhere close. And save money? The assistant majority leader quoted the CBO. Let me read to you what he did not quote:

It is unlikely that key cost containment provisions that are in this bill will remain intact.

That is what CBO said today. You did not hear that statement from the assistant majority leader.

Here is the other thing:

It reduces payments to physicians by 21 percent starting in 2011.

Do you really think we are going to reduce payments to physicians 21 percent in Medicare in 2011? One of the first bills we will see on this floor come January will be \$250 billion that will be stolen from our kids to adjust the sustainable growth rate formula for Medicare. It will not be paid for, and that is one of the reasons this thing looks for—that is why the CBO said: Wait a minute, before you claim this thing is so good, recognize that you are not accounting for \$250 billion you are going to call an emergency and not pay for it.

Here is the third thing he did not mention:

An unaccountable, unelected board of bureaucrats must make arbitrary budget cuts to ensure the cost containments in this bill.

We are saying we are going to have cost containment, but we are going to pin that on three different programs, boards, and panels in this bill that are not going to cause you to save lives. It certainly might save us money, but it certainly is not going to increase the quality of care and it certainly is not going to save Medicare.

Here is the other thing he did not mention:

CBO cannot predict that the quality of care will not decline.

That is what they are saying.

It is unclear whether such a reduction in growth rate can be achieved and, if so, whether it would be accomplished through greater efficiencies in the delivery of health care or would reduce access to care or diminish the quality of care.

That is from the CBO.

Here is the other thing the assistant majority leader did not mention:

The long-term budgetary impact could be quite different if key provisions of the legislation were ultimately changed or not fully implemented.

The U.S. Preventive Services Task Force recommended a change in breast cancer screening. They did it based on cost. We reversed it. I will bet a dollar against a nickel that the next three or

four they recommend, we will not do, either, which are counted on in CBO's score for us to do. So the numbers on this do not make any sense.

CBO says this will reduce the deficit, but people who understand the CBO from the inside out admit even their best estimates are professional guesses with lots of uncertainty.

I ask unanimous consent to have printed in the RECORD the comments of Donald Marron, Alice Rivlin, and Phil Ellis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILL THE REID HEALTH BILL REALLY REDUCE THE DEFICIT?

(Claim: CBO says this bill will reduce the deficit)

PEOPLE WHO UNDERSTAND CBO FROM THE INSIDE OUT ADMIT THAT EVEN THEIR BEST ESTIMATES ARE PROFESSIONAL GUESSES WITH LOTS OF UNCERTAINTY

Donald Marron, former Acting Director of CBO, said that "the Congressional budget process demands specific estimates of how much proposed legislation will cost, so that's what CBO produces. But reality is much more complex, and the actual costs will undoubtedly be more or less. That uncertainty can be frustrating, but it's unavoidable."

Alice Rivlin, CBO's founding director in 1975, said that "Everyone in the process—especially the CBO—knows that it is very, very difficult to make these estimates and that they're no more than very educated guesses . . . ."

Phi Ellis, head of CBO's health insurance modeling unit, admitted this in an October Washington Post article, saying: "We're always putting out these estimates: This is going to cost \$1.042 trillion exactly. But you sort of want to add, you know, 'Your mileage may vary.'"

The Washington Post ran a front page story in October with the headline: "In health debate, those numbers are just numbers," saying that "the CBO's price tags are educated guesses, but guesses nonetheless."

EXAMINE WASHINGTON'S RECORD OF ESTIMATING THE COST OF HEALTH PROGRAMS

Washington has just run a \$1.4 trillion budget deficit for fiscal 2009, even as we are told a massive, new health-care government program will reduce deficits by raising and spending about a trillion dollars over 10 years.

To believe that fantastic claim, you have to ignore everything we know about Washington and the history of government health-care programs.

Some argue that more federal control or "competition" will restrain costs and make health care more affordable. The problem with this argument is that it ignores history.

LOOK AT THE RECORD OF CONGRESSIONAL FORECASTERS IN PREDICTING COSTS

Start with Medicaid, the joint state-federal program for the poor. The House Ways and Means Committee estimated that its first-year costs would be \$238 million. Instead it hit more than \$1 billion, and costs have kept climbing.

Medicaid now costs 37 times more than it did when it was launched—after adjusting for inflation.

Its current cost is over \$250 billion, up 25% or \$50 billion in fiscal 2009 alone, and that's before the health-care bill covers millions of new beneficiaries.

MEDICARE HAS A SIMILAR RECORD. IN 1965, CONGRESSIONAL BUDGETERS SAID THAT IT WOULD COST \$12 BILLION IN 1990. ITS ACTUAL COST THAT YEAR WAS \$90 BILLION

The Medicare hospitalization program alone was supposed to cost \$9 billion but wound up costing \$67 billion. These aren't small forecasting errors. The rate of increase in Medicare spending has outpaced overall inflation in nearly every year (up 9.8% in 2009), so a program that began at \$4 billion now costs \$428 billion.

The Medicare program for renal disease was originally estimated in 1973 to cover 11,000 participants. Today it covers 395,000, at a cost of \$22 billion.

The 1988 Medicare home-care benefit was supposed to cost \$4 billion by 1993, but the actual cost was \$10 billion, because many more people participated than expected. This is nearly always the case with government programs because their entitlement nature—accepting everyone who meets the age or income limits—means there's no fixed annual budget.

ONE OF THE FEW HEALTH-CARE ENTITLEMENTS THAT HAS COME IN WELL BELOW THE ORIGINAL ESTIMATE IS THE 2003 MEDICARE PRESCRIPTION DRUG BILL

Those costs are now about one-third below the original projections, according to the Medicare actuaries. Part of the reason is lower than expected participation by seniors and savings from generic drugs.

But as White House budget director Peter Orszag told Congress when he ran the Congressional Budget Office, the "primary cause" of these cost savings is that "the pricing is coming in better than anticipated, and that is likely a reflection of the competition that's occurring in the private market."

The Centers for Medicare and Medicaid Services agrees, stating that "the drug plans competing for Medicare beneficiaries have been able to establish greater than expected savings from aggressive price negotiation." It adds that when given choices, "beneficiaries have overwhelmingly selected less costly drug plans."

THE RECORD IS CLEAR: GOVERNMENT COST ESTIMATES ARE EDUCATED GUESSES AND NOT COMPLETELY RELIABLE BECAUSE OF CONGRESSIONAL SPENDING. OUR COUNTRY NEEDS REAL HEALTH REFORM, TO LOWER COST AND INCREASE CHOICES, NOT INCREASED FEDERAL CONTROL

Yet today, Democrats in Congress still fight against private-competition, instead preferring government intervention and price controls—through a Medicaid expansion, a Medicare board of bureaucrats, federal mandates and regulation of all health insurance, and

This is all headed in the wrong direction. The Majority wants to increase the role of the federal government in health care and prevent private health plans from really competing.

Congress can hold insurers accountable and cover pre-existing conditions without increasing federal control of health care. The government does not have a good record with programs.

The government already controls too much of health care. Uncle Sam is directly or indirectly financially directing nearly two thirds of all health care. Roughly one out of 3 Americans is already on Medicaid and Medicare—programs which are going bankrupt.

The lesson here is that spending on nearly all federal benefit programs grows relentlessly once they are established. This history won't stop Democrats bent on pushing for a massive new tax hike and cuts to seniors on Medicare to raise money for new handouts.

*Every Member who votes for the Democrats' plans is guaranteeing larger deficits and higher taxes far into the future. And that is a future we cannot afford.*

Mr. COBURN. Mr. President, let's look at Washington's estimate of the cost of health care. We have just run a \$1.4 trillion deficit this last year. It is going to be bigger next year. It is going to be bigger. And we are going to have a brandnew health care system where we are going to start collecting taxes with some very minor changes in the health care system.

We are going to have the CLASS Act that is going to collect \$72 billion over the next 12 or 13 years, but we are not going to reduce the deficit because we refuse to make the hard choices to do so.

Mr. President, I ask unanimous consent to have printed in the RECORD CBO's key caveats on the pricetag of the Reid amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CBO'S KEY CAVEATS ON PRICE TAG OF REID AMENDMENT

UNLIKELY THAT KEY COST CONTAINMENT PROVISIONS REMAIN ENACTED

"These longer-term calculations assume that the provisions are enacted and remain unchanged throughout the next two decades, which is often not the case for major legislation. For example, the sustainable growth rate (SGR) mechanism governing Medicare's payments to physicians has frequently been modified (either through legislation or administrative action) to avoid reductions in those payments, and legislation to do so again is currently under consideration in the Congress."

REDUCES MEDICARE PAYMENT TO PHYSICIANS BY 21 PERCENT IN 2011

"The legislation would maintain and put into effect a number of procedures that might be difficult to sustain over a long period of time. Under current law and under the proposal, payment rates for physicians' services in Medicare would be reduced by about 21 percent in 2010 and then decline further in subsequent years."

UNACCOUNTABLE, UNELECTED BOARD OF BUREAUCRATS MUST MAKE ARBITRARY BUDGET CUTS TO ENSURE COST CONTAINMENT

"At the same time, the legislation includes a number of provisions that would constrain payment rates for other providers of Medicare services. In particular, increases in payment rates for many providers would be held below the rate of inflation (in expectation of ongoing productivity improvements in the delivery of health care). The projected longer-term savings for the legislation also assume that the Independent Payment Advisory Board is fairly effective in reducing costs beyond the reductions that would be achieved by other aspects of the legislation. Based on the extrapolation described above, CBO expects that Medicare spending under the legislation would increase at an average annual rate of roughly 6 percent during the next two decades—well below the roughly 8 percent annual growth rate of the past two decades (excluding the effect of establishing the Medicare prescription drug benefit)."

BUT CBO CANNOT PREDICT THAT QUALITY OF CARE WILL NOT DECLINE

"It is unclear whether such a reduction in the growth rate could be achieved, and if so, whether it would be accomplished through greater efficiencies in the delivery of health

care or would reduce access to care or diminish the quality of care."

ONE CHANGE COULD BLOW UP THE DEFICIT NEUTRALITY AND COSTS

"The long-term budgetary impact could be quite different if key provisions of the legislation were ultimately changed or not fully implemented. If those changes arose from future legislation, CBO would estimate their costs when that legislation was being considered by the Congress."

Mr. COBURN. Mr. President, the other statement the assistant majority leader made was that no bill was offered that they would not allow to be scored. There are four comprehensive bills out there that they have not allowed to be scored.

Tomorrow afternoon, on this same floor, RICHARD BURR and I will go through the Patients' Choice Act which saves billions, saves the States trillions, covers exactly the same number of people or more, gives everybody freedom of choice and gets the government out of health care, requires competition, requires coverage of pre-existing illness, accomplishes everything we say we want to accomplish in this bill.

So now we are getting ready to turn over \$2.5 trillion more of health care to the Federal Government. What kind of job have we done? Let's look at it for a second.

Here is what we have done this year: 43 cents out of every dollar we spent in the Federal Government we borrowed against our children. It is going to be 45 cents next year. As we spend our taxpayers' money—and, oh, by the way, I recall that the Senator from Michigan stated that we are going to improve everybody's lives except the generation that follows us and their children. We are going to damage their lives.

So 43 cents of every dollar that the Federal Government spends, we are borrowing. How have we been doing? The claim is Medicare isn't broke. Anybody with a high school accounting class knows it is broke. The reason we know it is broke—and it is not only broke fiscally, it is broke in terms of methodology—is because it is a Ponzi scheme. We have robbed the money. We have promised benefits for years and never raised the taxes to pay for them. We now manage 60 percent of the health care in the country.

Medicare is broke, the State Medicaid Programs are broke, the census is broke. We heard this week that Fannie and Freddie aren't going to require just \$400 billion—that is a government-run mortgage insurance company that the Congress created—it is going to require \$800 billion, almost \$1 trillion to get us out of that. Social Security, we know, is going to be broke. It is fiscally unsustainable. The U.S. Post Office business model is broke; cash for clunkers; the highway trust fund is broke. We can't even get the \$8 billion we need to continue to run it. We have done a great job managing that. Now we are going to put another 20 percent

of health care in this country under the auspices of the very people who run the broke programs that have created \$1.4 trillion worth of deficits.

What is the meaning of that? How does it affect you? Well, right now, every child, every person, every grandparent in this country owes directly \$39,000 in Federal debt, and that doesn't count everything they owe. That just counts what is external debt. That doesn't count internal debt, which is another \$39,000. What do we know with regard to Madelyn here? She says: I am already \$38,375 in debt—and, by the way, that was in October; it is over \$39,000 now—and I only own a dollhouse.

What we know is, this Federal Government spent \$33,880 per household this last fiscal year, the highest total in history. The Federal Government collected \$18,000 in taxes, and the remaining \$15,000 we borrowed, mostly from the Chinese. Over 40 percent of everything we are doing, we can't fund. The inefficiencies of the programs we have created—but with no oversight and we won't manage—we continue to allow to fail.

It is good for us to learn from our Founders. I will quote Thomas Jefferson:

My reading of history convinces me that most bad government results from too much government.

Creating \$2.5 trillion in new health care programs and damaging the health care programs we have today isn't going to save lives, it isn't going to improve health care, and it certainly isn't going to save money. Nobody can name one thing the Federal Government does that saves money. Nobody can—that saves money. So I thought I would spend this afternoon kind of going through the last 4 years of oversight so people could actually get an opportunity to see some of the examples.

It is interesting that in the last 12 days of Christmas, here is what the Congress will have done: On Sunday, December 13, we spent \$445 billion on an omnibus package; on Saturday, December 19, we spent \$626 billion on fiscal 2010 DOD, plus billions in pork; and on December 24, we are going to create a health care program that is going to consume \$2.5 trillion over a 10-year period—or truly \$250 billion per year—and run it through the government.

So in the 12 days of Christmas, the Senate is on pace to spend \$1.942 trillion—in the 12 days leading up to Christmas. We are on pace to spend \$6.7 billion an hour in the 12 days before Christmas. Then, before you know it, we will have to raise the debt limit by \$190 billion. Then we are going to have to come back and raise the debt limit another \$1.8 trillion because, statutorily, we can't borrow money we don't have, and we will not make the hard choices to cut wasteful spending. So what we are going to do is we are going to borrow it against our children's future.

I have never voted for a debt increase. I have no intention of ever voting for one in the future. I have every intention to try to stop any debt increase we might vote on because the only thing that will cause us to make the hard priority choices in this country is not having the ability to borrow money from our children and our grandchildren.

If you go to the Web sites of Members—and you can go to [coburn.senate.gov](http://coburn.senate.gov)—or any other Member site—and look at oversight reports—I thought I would go through a few of them so the American people can see where the waste is in the Federal Government. I am going to spend the time to talk about it because it is ludicrous what we have done and what we continue to do.

Here is the Justice Department. We put out a report this last year showing \$10 billion worth of waste a year in the Justice Department. That is \$100 billion every 10 years. Here is a synopsis. Here is the report we put out. Nobody in Congress read it, other than my staff and a few other Members who are concerned about our spending:

There were \$500 million in grants allowed to recipients who were not legally capable of receiving them; \$1.6 billion in unspent, unobligated funds. They are the only Federal agency that has unobligated funds that is allowed to keep them, and we have no management over it.

We have this debate on earmarks—that we ought to be directing—but we will not do anything about allowing the Department of Justice to save the money at the end of the year that they don't spend and then spend it any way they want. We will not even do an oversight hearing on it.

Here is \$312 million on conferences for the Department of Justice—\$312 million for conferences. In 2007 alone, they lost 125,476 hours to employees who were supposed to be there that didn't check out, weren't on paid leave, weren't on sick leave, weren't taking unpaid time off, we paid them, and they didn't show up for work. Here is \$529.7 million, 1,500 special projects that were earmarked from DOJ funding.

What is an earmark? An earmark is something that benefits somebody politically and benefits somebody parochially and 98 percent of them are never competitively bid. What they are is they are the corruption of this Congress. Yet here we see \$529.7 million worth of earmarks through the Justice Department.

I will not go into the details, but if you want to go to our Web site, you can see this report and you can see how \$10 billion of your money was wasted in the Justice Department.

How about the Centers for Disease Control and Prevention? A 115-page report detailing the waste and mismanagement at the CDC and wasting billions of dollars in taxpayer money. We have offered amendments to clean

up this stuff. They never pass because Members of Congress don't want to make the hard choices. They do not want to offend anybody.

They had \$45 million in conferences just last year, \$1.7 million for a Hollywood liaison program, where we pay tax dollars to tell Hollywood studios how to get it right in terms of how they portray things. That is a wonderful use of our tax dollars, when we are borrowing \$1.4 trillion a year.

Again, a 115-page report outlining instance after instance of waste that the Congress will not do anything about with regard to the CDC.

Here is a special little one that the American people, I know, will love. We are spending hundreds of millions of dollars a year putting sand back on beaches that nature says shouldn't be there. So the people who live in States on beaches share the tax dollars of people who don't rather than pay for it themselves because most of these are earmarked. The lobbying method of choice to get a beach replenished is to get an earmark. So hundreds of millions of dollars every year go out of here to put sand back that we put back 2 years ago, but because of the natural occurrence, it normally washes away.

That is not a Federal responsibility. We are confused about our responsibility. But we are so enamored of the power to look good at home, we send taxpayer money home that is not a priority so we can get reelected.

Here is a report on highway transportation waste: \$78 billion has been obligated over the last 5 years for purposes other than the construction and maintenance of highways and bridges. Let me say that, again: Over the last 5 years, \$78 billion from the Transportation Department has been spent on things other than highways and bridges and transportation, and we wonder why the highway trust fund is belly up and broke.

This is all detailed. You can go to our Web site and find all the details of the stupid stuff, the low-priority stuff, the things that don't matter in the context of the problems we have and the situation we find ourselves in today of borrowing this kind of money against our children's future.

Then we had a nice little Christmas gift last year—"The Worst Waste of 2008." We will be coming up with "The Worst Waste of 2009." There was \$2.4 million for a 3D space theater in Indiana—an earmark—so people in Colorado, I would remind the President pro tempore, got to pay for that. I know that has to be a priority. At a time when our country is struggling with 10 percent unemployment and a \$1.4 trillion deficit, we are doing that kind of stuff. How about \$2.8 million for a visitor center for a hatchery in Missouri? They have the hatchery, but we spent \$2.8 million to create a visitor center in the worst economic times we have ever seen.

How about \$100,000 for studying Chinese video game habits? That has to be



a priority for our country. We have to know what the habits are of the Chinese population in terms of playing video games. A \$298,000 earmark to develop a potato for high-end restaurants or \$82 million in SBA loans to liquor stores. That is wonderfully good for our society. Here is \$13 million for an art museum in Iraq—not for us, for them. We are going to spend \$13 million for that. Then we spent \$784,000 for training classes for casino workers in Kansas.

That is a high-quality project. You know, if you have casinos in Kansas maybe you ought to train your own workers rather than take the money from Colorado and Oklahoma to do that.

If you would like to see that, this is a wonderful little—it has Santa Claus on the front, cheery—fits with our time.

Then we put out two stimulus reports. We have a burr under the saddle for some people but, you know, dadgummit, if we are going to spend \$787 billion, and the inspector general says of that \$787 billion at least \$50 billion is going to get wasted—let me say that again: at least \$50 billion is going to get wasted; that is the expectation from Washington—then we ought to be talking about where it is getting wasted and who is benefiting from it. The fact is that the vast majority of the funds that have gone out from the stimulus project so far have not been competitively bid, so the well-connected—those people who give campaign contributions—are the ones who are getting the contracts. Those who are most connected with people who are appropriators get the contracts. They do not have to competitively bid it, it is a gift.

The first stimulus report outlined \$5.5 billion. Remember, we have only sent \$200 billion out the door on the stimulus, and we have already listed \$12 billion in two stimulus reports of pure waste or at least nonpriority items.

How about guard rails for a road over a nonexistent lake in my home State, \$1 million? So we have one boondoggle in our State where the Corp of Engineers builds a lake where no water ever comes—never has come and never will come—and then we are going to spend \$1 million on the road rather than close the road around a nonexistent lake—but that is the kind of priority we have?

We are going to spend \$10 million to renovate a train station that has not been used in 30 years and call this a priority rather than fix bridges that are crumbling in this country. Or how about the town of Union, NY, given a grant to spend money it did not request for a homeless problem it does not have, according to local officials? Or give a Nevada nonprofit a contract to do weatherization after it had been previously fired by the government for not doing good quality work? But we give the same money back to the same

people? I wonder if there was any political connection. That is the first stimulus report.

In the second one we sent out \$350 million to get a broadband map that we could have bought for \$35 million, but we spend 10 times what it was worth to get that done. How are we doing? Do you think we are doing a good job? Do you think we have our eye on the ball? Do we have a priority? Are we spending the American people's money wisely? No, because the Senate refuses to do significant oversight on spending. There is a reason for it because, when you oversight it, you expose the connectedness of the well-connected to Congress. So we do not want to do that.

Then we talk about the census. The census is going to cost at least double what it did 10 years ago.

Where do we find ourselves? We find ourselves with a government we cannot afford and there is not any other way you can describe that. If we were borrowing \$1.4 trillion last year, and we are going to borrow \$1.5 trillion this year, and the Senate has refused every attempt through the amendment process to cut spending in any area, every attempt—they may pass it when we have the bill, but when it comes out of conference it is always gone. So they want to look good, and then they can deny they knew it was taken out when they vote for the conference report.

So not once in the last 5 years have we passed an amendment that has stuck, that reduced the spending in this country on waste and junk, like I just outlined.

On January 1, 2009, the national debt was \$10.6 trillion. It now stands at \$12.1 trillion. That is not President Obama's fault. Do not confuse this with a partisan attack. My attack is on the Senate and on the Congress and the irresponsible behavior of Members of Congress who say they want to do one thing and then in the dark do something totally different. Our debt is rising \$4.2 billion a day. In January 2009 the unemployment rate was 7.6 percent. Today it is 10 percent. That is not President Obama's fault either. That is our fault. It is the fault of the Members of Congress because in fact we created Fannie Mae and Freddie Mac. We allowed it, we failed to do the oversight. When we had an opportunity to fix it we got it struck down because of the well-connectedness of the financially influential people associated with that program.

What it means is that we lost 12,210 jobs every day since January 1, and we saw an uptick in that this last week.

That debt, as I show in the picture of Madelyn, is \$39,000 per citizen. But it is important to think long term, which is my own criticism of my colleagues in the Senate. We think about the next election. We don't think long term. We think: How does this look for the next election?

What the next election is going to show us is that we are going to be \$14 trillion in debt; that every young per-

son who is 25 years of age or younger in this country, they and their children when they are 45—that is 20 years from now—will each be responsible for debt and unfunded liabilities of \$1,119,000.

Let me say that again. Twenty years from now everybody in this country who is 45 years of age or younger will be responsible for \$1,119,000 worth of debt and unfunded liabilities. Those are unfunded liabilities they will get no benefit from. Those are for the people who came before them. So they will be paying about \$70,000 per year per individual just to fund the interest on the debt obligation that we are creating for them because we refuse to eliminate the silliness. We refuse to make priorities. We refuse to make the tough choices that may make somebody uncomfortable with us because we are thinking about the next election rather than the next generation.

While individuals, families all across this country are worried about having a job next year, Congress is busy trying to keep their jobs by passing out earmarks; by trying not to offend the well-connected and well-heeled in this Nation.

We have talked a lot about earmarks in the last year. Earmarks went down 6 percent this year in total number. They went down to 12,099 earmarks. Divide that by 100 Senators and see what you get. But the cost of them went up.

In the last 11 months, Congress has passed trillions of dollars in new spending on everything from a multibillion-dollar lands omnibus package stuffed with 100 parochial bills benefiting only a few and endangering the property rights of Americans across the country, to a stimulus bill meant to generate economic growth and create jobs, the vast majority of which hired more government workers and transfer statements to States rather than created true economic activity.

We bailed out the auto industry, we loaned hundreds of billions of dollars to private companies, we passed another omnibus spending bill just this past weekend with a price tag of \$500 billion, including \$3.7 billion in additional earmarks. Now we hear we are doing another stimulus, another jobs package.

Where are we going to get the money? Where does the House say we are going to get the money? We are going to take the money from TARP that had not been borrowed yet, so we are going to borrow the money for another stimulus package against our children and grandchildren.

The Congressional Budget Office had this to say about our fiscal situation, and we have had the Congressional Budget Office quoted:

Over the long term, beyond the 10-year baseline projection, the budget remains on an unsustainable path. Unless changes are made to current policies, the nation will face a growing demand for budgetary resources caused by rising health care costs—

Not lowering health care costs, contrary to what we have heard in this body—

rising health care costs and the aging of the population. Continued large deficits and the resulting increases in Federal debt over time would reduce long-term economic growth by lowering the national saving and investment rates. Unless revenues were increased correspondingly—

And remember what we are talking about: significant, steep, severe tax increases on the American public—

annual deficits would climb and the Federal debt would grow, significantly posing a threat to the economy. Alternatively, if taxes were raised to finance the rise in spending, tax rates would have to reach levels never seen in the United States—

Never. We have had it up as high as 90 percent, I remind my colleagues—

some combination of significant changes in benefit programs, rationing, and other spending and tax policies will be necessary in order to attain long-term fiscal balance.

We actually find our deficit situation endangering our national security now because so much of the value of the dollar is now dependent upon what China does because we have not been good stewards of the American people's money.

If we want to reduce government spending, Congress has to start somewhere, even if it is just eliminating waste. I am going to go through \$350 billion worth of waste that occurs every year in the Federal Government—\$350 billion. I will not go through every bit of it to allow the clerk and the Presiding Officer and the staff to go home, but I am going to go through enough of it so people get a flavor of where the waste is.

The cover of Newsweek's December 7 issue entitled: "Steep Debt, Slow Growth, and High Spending Kill Empires—And America Could Be Next" warns that our current fiscal situation is putting our country at risk and calling into question our position of power in the global economy.

This is how an empire declines. It begins with a debt explosion. It ends with inexorable reduction in the Army, Navy and Air Force. . . .

What did we just pass? A 4-percent increase for the military and an average 11 percent increase for every other branch of the Federal Government. We are already starting to see it. We actually increased our own budgets 6 percent, but what did we do to our military? What they are predicting in Newsweek we are already doing. We are destroying the ability to defend ourselves because, financially, we are not secure because we do not have the courage to make the hard choices in Washington.

Government has grown to such an enormous size it is almost impossible to fully grasp just how huge the Federal operation has become. The 2008–2009 U.S. Government Manual now is nearly 700 pages long and provides details on 15 executive branch agencies and nearly 60 independent establishments and government corporations—60. We have 60 government corporations.

The Government Accountability Office found that 13 different Federal

agencies spent nearly \$3 billion from 2004 to 2007 to fund 207 Federal Government programs to encourage students to enter the fields of math and science.

Let me read that again:

Thirteen different Federal agencies spent nearly \$3 billion . . . to fund 207 Federal programs to encourage students to enter the fields of math and science.

Why wouldn't we just have one? Why do we have 207 programs run from 13 different agencies to encourage people to go into math and science? That is the idiocy of what we are doing.

Another example, the GAO report said with \$30 billion, the Federal Government "funds more than 44 job training programs, administered by 9 different Federal training agencies across the Federal bureaucracy."—\$30 billion, 44 programs by 9 different agencies. The right hand doesn't have any idea what the left hand is doing. Why not one agency? Why not all job training programs in one agency? We do not have the courage to change that?

How about Federal domestic assistance? Fourteen departments within the Federal Government, forty-nine Federal agencies operating exchanges for study-abroad programs.

Let me say that again. We have 14 different departments within the Federal Government, and 49 independent agencies operating study-abroad programs.

Why not one? And why not ask the question, Is that a role for the Federal Government rather than the State government? Yet despite the decades of government spending hundreds of billions of dollars on programs that address every possible issue from homelessness to job training to obesity to education and everything in between, all these problems are actually worse—they still exist and they continue to worsen.

This calls into question if mortgaging our children's future and endangering the country to spend money we simply do not have on programs that are working is truly an effective way to address the changes we face as a Nation. We have to address these issues.

The reason I am spending time on our fiscal nature is because the thing that got us in trouble in health care, the thing that causes our problem in health care is the lack of any Federal restraint. Now we are going to move one-sixth of our economy under the purview of the Federal Government. Let me outline quickly \$387.7 billion worth of waste that could be cut from the Federal Government: The general government in total, \$150 billion; Department of Agriculture, \$9 billion; Department of Commerce, \$5.9 billion; Department of Defense, \$36.6 billion; Department of Education, we could cut \$6 billion, nobody would ever notice the difference; Department of Energy, \$2.2 billion; Department of Health and Human Services, we could cut \$1.8 billion and nobody would ever notice the difference. Medicare, by all sorts of studies now, we know that at least

there is \$100 billion worth of fraud in Medicare. We know that. The bill we are so proud of that our colleagues are going to pass without significant amendments on our part goes after \$2 billion of that over 10 years. So they are going to go after two-tenths of 1 percent of the fraud and say they have done something rather than go after the fraud. Medicaid, we could cut \$48 billion from it in waste, duplication, and fraud; Indian Health Service, the inefficiency in the AIDS program; Department of Homeland Security, \$1.5 billion; Department of Housing and Urban Development, \$4.8 billion; Department of the Interior, \$2 billion; the Corps of Engineers, \$1 billion; Department of Justice, at a minimum \$1.6 billion. We have this report that outlines \$10 billion of waste. They have \$1.6 billion left over at the end of almost every year. They are the only agency that gets to keep their unexpended balances. We have no control over how they spend it. We haven't changed that. We have offered amendments to change it. They have been rejected. We have offered amendments to have that money come back to the Treasury. They have been rejected. Department of Labor, \$12.4 billion worth of waste; Department of State, \$2.5 billion; Department of Transportation, \$4.3 billion; Department of Veterans Affairs, \$1.3 billion. That comes to \$387.7 billion a year which tomorrow would markedly improve the value of the dollar and could markedly change the long-term curve that we are going to have.

Here is what it is. People need to pay attention to this. Every year we don't get rid of the \$387.7 billion and continue to waste it speeds this curve up. Because this chart, which shows where we are now, shows the debt held by the public as a percent of GDP versus where it is going. So if you have a child today who is 1 or 2 years old or you are like Madelyn, the little girl who is 3, where is she going to be in 40 years? Forty years from now puts her at 2050. That means 300 percent of her GDP will be held by the public. What happens when we do that? No growth. Look at the lost decade of Japan. What is the implication for that? The implication is opportunity gets stolen. It is paramount that we change how we operate in the Senate and we start thinking long term. It is not a partisan issue. What it is is a careerism issue and a parochialism issue.

If we care about what our oath is to this little book, the oath that every one of us took to uphold and defend the Constitution, and if we care about what the future holds, we should be worried about this. Because quite frankly, right here the interest on the debt will become \$1 trillion a year, and that is irreversible. That will happen. By 2020, the interest on the U.S. debt will be at least \$1 trillion a year. That is 10 years from now. We are going to be borrowing money and adding to the debt to pay the interest on the debt. That is called bankruptcy. That is why

the Chinese are so worried about what we are doing and the fact that we are not effectively managing our government. At the end of World War II, with all the debt we had, we were only at 109 percent of our GDP; in 2080, if we don't change what we are doing, 600 percent of our GDP.

Translate that into what that means for somebody's individual life. That means my grandchildren and their children will never be able to buy a home. They will never own a home. They won't send their kids to college to advance their education. They may not even be able to buy transportation for themselves. The reason it is important is because it is counter to the heritage we have. We are the first generation in this country, in its whole history, to leave the next generation worse off. Nobody seems to be worried about it. Nobody is willing to sacrifice their position in Washington to make the hard choices to fix what is wrong with the country. That doesn't mean I don't want to fix health care. I do. I have seen the experience, in 25 years of practicing medicine, of what government-run health care does to health care. And with all these other systems that are broke and all these different agencies that are broke and all this duplication and we won't fix it, what makes you think we will fix it this time?

There is a rumble in America. I said that on the floor the first time 4½ years ago. It is growing. It is getting big. For the first time in America, independents poll higher than either Democrats or Republicans. There is a reason for it. They can't stand us. We refuse to make the hard choices they send us here to make. Consequently, they are discouraged. There is a crisis of confidence in America about a government that is supposed to be serving them instead of them serving the government.

As this rumble builds, we should make no mistake about what the long-term consequences are, as many of us won't be here because Americans have had enough. If the average American knew what was in this book, the things we have allowed to happen and continue to allow to happen, they should fire every one of us today. There should be a recall election for every one of us. Because no matter where you are on the political spectrum, none of us has done enough to fix what is wrong. None of us has lessened the risk that will happen to our children. None of us has changed the curve of government dominance over liberty. Until we start doing that, that rumble is going to grow.

The only way that rumble calms down is when we start taking the oath to the Constitution and recognizing the enumerated powers and having respect for the tenth amendment that says specifically, everything that is not specifically mentioned in here as a role for the Federal Government is explicitly reserved to people and their States. All you have to do is look at the health

care bill that is going to pass Christmas Eve. We are taking a valuable freedom away in that bill. We are taking away a right. We are going to say if you are an American citizen, you have to buy something. That is a big leap on the commerce clause that we have never had before. It is going to get challenged constitutionally. There is no question. But we are stealing liberty with that one little section called an individual mandate; you have to buy something in this country.

What should be our goal in the sunset years of our lives, after serving in this body, is that we should have preserved or increased freedom for people, not lessened it. Whether it is under Republican domination or Democratic domination, liberty has shrunk. As the government grows, liberty declines.

Another one of Thomas Jefferson's sayings:

Compelling a man to subsidize with his taxes the propagation of ideas which he disbelieves and abhors is sinful and tyrannical.

That last word is an important word in America. They see tyranny. You are going to tell me I have to buy a health insurance policy. What if I have \$250,000 in the bank and I don't want to buy a health insurance policy; you are going to tell me I have to buy it? I have to buy it? That is tyranny. There is no freedom in that. There is no freedom to make an economic choice. There is no freedom to be responsible and accountable. We have said the government will know best.

I will put some information on my Web site so that the Federal Government doesn't have to spend money. If we quit publishing this every day—it is available on line—we could save \$6.5 million a year. Nobody reads them. Everybody looks at them on the computer. We could save \$6.5 million a year if we quit doing this. But we won't quit doing it. It is \$6.5 million peed down the drain every year for something that goes and gets recycled. But we won't do it. We won't do it. Those are the little examples. If you take 100 \$6.5 million programs, you get \$650 million worth of savings. There is thousands of \$6.5 million programs we could all get together and eliminate. But we don't do it. I will make this available on my Web site.

I had my staff use data from the Office of Personnel Management, the Office of Management and Budget, take data from those two areas compiled by the Congressional Research Service. Here is what I came up with in terms of Federal employees. It is pretty revealing. We now have in the Postal Service 762,000 employees; in the Department of Defense, civilians, 677,000 employees; in all the rest of the remainder of the Federal agencies we have 1.247 million employees. The direct compensation, the direct pay cost per person in the Postal Service is \$55,614 a year. The Department of Defense civilian is \$70,201. The remainder of the Federal agencies is \$81,271. That is the direct pay. The

benefits, however, at the Postal Service are \$24,743 a year. Department of Defense civilian, not our soldiers, not our military, is \$18,796 a year. And the remaining of the Federal agencies is \$31,754 a year.

So the total per capita compensation for active Federal employees right now is \$113,000 a year—2½ times what it is in the private sector across this country.

So the next time somebody comes to me and says: We need to increase the wages of Federal employees, I am going to lay down and stop it until we create the opportunity our children deserve to have that was given to us. We have wonderful Federal employees, but that is part of the things on which we have to start making a decision. We cannot continue to increase, increase, increase when we are borrowing all the money that we use to increase.

With that, I yield to the Senator from South Dakota.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from South Dakota is recognized.

Mr. THUNE. Before the Senator from Oklahoma leaves—and I understand the staff needs to get out of here, and the weather is not cooperating in Washington today—I am interested in his discussion and the points he was making about the liabilities we continue to rack up and how that is going to impact future generations.

I wonder if the Senator from Oklahoma might respond to a question with regard to the current debate. Because it strikes me, in light of all the spending and borrowing the country is doing, the concerns it is now creating about not only the economy in the near term but also the impact this could have on our country's strength in the long term, the way some of our creditors, the people who actually buy our debt, are viewing the debate about health care—in fact, when the President was in Asia recently, the discussion with the Chinese was more about, their interest was about what is going to happen with health care in this country, not because they cared about whether there was a public option in the bill, not because they cared about whether it was universal coverage, but because they were interested in what it was going to do to the debt, what it was going to do to the deficit. They were worried about their investments.

I think it is fair to say having this last fiscal year rack up a \$1.5 trillion deficit—and looking to be somewhere in that ballpark again this year—that we cannot sustain over time this pace we are on of borrowing, spending, and continuing just to mortgage the future of future generations, and that bears on the debate we are having today. Because under the best case scenario, this health care expansion, when it is fully implemented, is going to be a \$2.5 trillion expansion. And the managers' amendment, which was laid down today, actually increases the cost.

I do not know if the Senator from Oklahoma has—I am sure he has

looked at this, but it was \$848 billion, and now it is \$871 billion. That is their first 10-year number, which I suspect means the fully implemented number, the \$2.5 trillion number—

Mr. COBURN. It is \$2.73 trillion.

Mr. THUNE.—is equally larger. The tax increases went up as well. The taxes that were in the original bill were \$493 billion. It is now \$518 billion. The Medicare payroll tax, which was going to be a half a point increase is now nine-tenths of a point. That, of course, impacts the Medicare trust fund, for which this will be the first time I think that a payroll tax will be levied that does not go to the trust fund; it actually goes to create a new entitlement program.

But I just wonder what the Senator from Oklahoma thinks about how the health care debate and the spending that is going to be associated with that is going to impact the scenario he was describing, the fiscal condition of our country as we head into the future, and whether we will be able to really keep the cost at the \$2.5 trillion, and whether the tax and the Medicare cuts—which the CMS Actuary says it is unlikely, on a permanent basis, that those cuts will be sustainable—how does this thing get paid for? It seems to me it gets paid for by putting more on the debt, by putting more on future generations.

I am interested in the reaction of the Senator from Oklahoma to that.

Mr. COBURN. I think it gets paid for by rationing health care to Americans. That is how I think it gets paid for. You have three different programs within this bill, three different panels that are going to mandate what I as a physician can do with my patients. Once it gets applied, there is not going to be an exception to it. For 80 percent of Americans that is going to be fine. The real key is to ratchet it down by rationing care.

What do we know? We know \$1 out of every \$3 that is spent on health care today does not help anybody. Do we fix that in this bill? No. We know that \$1 out of every \$3 does not prevent anybody from getting sick and does not treat anybody's illness. Did we fix that in this bill? No. We did not do anything about it.

I will tell the Senator from South Dakota, the tenet of medicine is you do not treat symptoms. You find the disease and you treat the disease. The bill we have before us is a bill that treats the symptoms. It does not attack the disease. Because that \$600 billion a year, at a minimum, that does not help anybody get well and does not prevent them from getting sick—if we just took half of it, we could cover everybody who is not covered in this country today. We could cover everybody and not spend a penny more on health care. But we have not attacked the disease. We are treating symptoms. We are not working to solve the real problems underlying health care.

The problem in America for health care is access to services. The access

limitation is because of cost. If you cut costs 15 percent tomorrow, you would increase the same number of people who are increased in the bill in terms of availability. If you had real transparency in the insurance industry, where people could see and actually compete and buy all across this country what they wanted, and we hammered the insurance industry in terms of transparency of outcomes—the same for doctors—you would cut the cost even further. In other words, you put the patient in charge. We have a government-in-charge bill that we are going to be voting on instead of the patients.

So we are treating symptoms. We are not treating the disease. We are treating those who are screaming the loudest, but we are not fixing the problem. We are just making the problem worse and bigger.

Mr. THUNE. If the Senator from Oklahoma would yield for another question, does the CMS Actuary and the Congressional Budget Office conclude, when it is all said and done, that the overall cost of health care goes up, not down? It seems to me, at least, that as to the points the Senator mentioned, if we were sincere about reforming health care in this country, what most small businesses, what most individuals, what most families want to see is health care costs going down. This actually bends the cost curve up, according to the CMS Actuary, with a \$234 billion increase in health care costs over 10 years.

According to the Congressional Budget Office, it is a \$160 billion increase in health care over 10 years. So there is a slight difference in terms of their analyses, but both conclude that health care costs will go up. The amount we spend on health care as a part of our total economy in this country—

Mr. COBURN. Will rise to 21 percent.

Mr. THUNE.—will be 21 percent. It is currently about 17 percent or in that ballpark. So it seems to me, at least, we have done very little—

Mr. COBURN. You are not fixing the disease.

Mr. THUNE. If anything, to address that problem.

So I simply would ask the Senator from Oklahoma, some of the things the Senator talks about in terms of actually attacking the disease could be the basis upon which we could put together a consensus bill around here that actually does reform health care in a way that drives down the cost rather than raise it and does not rely on all these tax increases, does not rely on the \$1 trillion in Medicare cuts, which the CMS Actuary says are unlikely to be sustained on a permanent basis, therefore, again putting more and more of the burden of the cost of this new expansion on future generations.

I just see this as a very dangerous path to be on when you are running \$1.5 trillion deficits, when you have an economy in recession, and unemployment is about 10 percent. We are talk-

ing about tax increases that are going to be passed on in the form of higher premiums for most Americans.

To be fair, there will be some Americans who will benefit. Most will not. Most will see their premiums go up. We are going to see Medicare cuts. The program will be cut, but not to reform it or make it more sustainable or extend its life but, rather, to create a new entitlement program.

How can we move forward with legislation such as this and call it reform? Wouldn't it be fair to suggest that if our colleagues on the other side were serious about reforming health care, they would sit down with us in a way that is constructive that would actually represent the common ground we could find and not write these bills, as they have, behind closed doors and then spring it on us today on a Saturday morning, and try to push this thing through to passage before Thursday of next week or Friday on Christmas Day?

Mr. COBURN. The Senator has asked a lot of questions. There is an organization that is based out in Oklahoma. It is called Safeway. Safeway has 200,000 employees. They have had a zero percent increase in their health care costs in the last 5 years, doing the things that we talk about in the Patients' Choice Act: using market forces, getting patient participation.

What have they found out? Their workers are healthier. Their absenteeism rate has gone down. They have lost cumulatively thousands and thousands of pounds. Their work product is better and their company is healthier because they are not spending more.

What has happened to their wages? Their wages are going up. One of the statistics most people do not understand is that for every 3.5 percent rise in health care costs, you lose 2.5 percent in real wages. In other words, if health care costs would stay flat, you would get a 2.5-percent increase. If they go up 3.5 percent, you are going to lose that 2.5 percent. If they go up 7 percent, you are going to lose 5 percent. So controlling the costs, when we have a third of it wasted anyway, should be our goal, and that is not where we are headed.

So the disappointment is not that we do not need to fix health care. We do. The disappointment is that—which I think I have outlined here today—the government is highly inefficient at everything it does, and effective only on a limited basis on the things we do fund, and then we are going to move another 20 percent of health care under the control of an organization that has proven itself ineffective at what it does.

That is insanity. The direction of the bill is one that treats the symptoms so we will feel better for a while, but we still die. If we practiced medicine that way, we would be run out of town on a rail. You do not treat symptoms. Symptoms cover up worsening disease. You treat the real disease, and the real

disease is lack of transparency, lack of accountability, lack of reform, lack of tort reform, and lack of a competitive nature, both in the health insurance industry as well as in providers like myself.

Make me compete based on quality and price, and make sure my patients can see it, so that a consumer can make a real choice. If we were to do that—which this bill does none of that—if we were to do that, American consumers could get a much better deal.

I thank the Senator.

Mr. THUNE. Mr. President, if I might say, the Senator from Oklahoma has put forward a comprehensive approach to health care reform. It has been argued here many times on the floor that Republicans do not have their own ideas. We have argued throughout the course of this debate that we ought to be approaching this not in sort of a radical overhaul of an expansion of the Federal Government's role in our health care delivery system, which this legislation would do, but, rather, look at ways we can provide more competition and create a more robust private sector health care delivery system. Instead, this approach relies heavily on growing the government footprint with regard to health care, as is evidenced by the \$2.5 trillion cost of the legislation.

But the Senator from Oklahoma and our colleague from North Carolina have come up with a comprehensive solution, which is very, in my view, bold and does represent true reform that moves us away from the system we have today, which has demonstrated, as the Senator from Oklahoma has pointed out, that it continues to increase in cost and continues to probably—I think it will be argued—deliver less in terms of quality and makes the failures in the current system even bigger and worse, without doing anything to address the fundamental underlying problem or disease.

So I would say that inasmuch as the Senator from Oklahoma has a comprehensive solution, we also support what I would call more step-by-step approaches. One, of course, is interstate competition, allowing people to buy insurance across States lines. One would allow pooling, allowing small businesses to join a larger group, thereby getting the benefit of group purchasing power.

As the Senator from Oklahoma mentioned, medical malpractice reform is something we all believe needs to be done. The Congressional Budget Office, by the way, has said all these various solutions bend the cost curve down, not up. But those are all things we could be doing to improve upon the system we have today.

Frankly, I think we need to have a fair debate of the proposal of the Senator from Oklahoma, which is a comprehensive approach, which does take us away from the employer-based system, which empowers individuals

through the form of tax credits to buy their own health insurance to make them more informed consumers. We always talk about a consumer-driven model. That is exactly the approach that his legislation and his reform proposal would employ.

So I would like to see us have an opportunity to debate that. We are not going to get that chance, I do not think, because it sounds as if the amendment tree has been filled. The bill that is before us now with the managers' amendment will prevent other alternatives, other amendments from being offered. That is unfortunate because I think the direction we are headed is a train wreck, as has been described by many, because it leads to more spending, more taxing, Medicare cuts, and I would argue, in the end, more borrowing, frankly, does little to solve the underlying problems that exist in our health care system today.

Mr. COBURN. Would the Senator yield for a moment?

Mr. THUNE. I am happy to yield.

Mr. COBURN. There is one area I needed to cover that I didn't, and I will do so rather quickly.

Since 1977, this country has said we are not going to take Federal taxpayer dollars to pay for abortions. That is a divisive issue. The only way we change that issue is to change people's hearts in this country. So we are going to have to all agree to disagree on abortion in this country, and it is about a 50-50 split. What is about a 70-30 split is that the vast majority of Americans don't think their tax dollars, whether they are pro-choice or not, should be used to pay for somebody else's abortion.

What we saw come through the Senate this morning is something that every significant pro-life group in this country, including the Catholic Bishops, including Right to Life, including this doctor who has delivered thousands of babies and understands the issues of life, is going to abhor. What we have done is ultimately eliminate the Hyde amendment, and come next September 30, throughout the Federal Government as well as in this bill, the Federal Government is now going to allow taxpayer dollars to be used to pay for abortion.

Congressman STUPAK, who is a friend of mine, who made sure the House did not allow that to happen, has recently been quoted today saying this is absolutely unacceptable, and it should be. We should not be using Federal funds for that procedure to end the life of an unborn human being.

With that, I yield the floor and yield back my time.

Mr. THUNE. I appreciate that. I appreciate and share the Senator's view with regard to the changes or proposal that was unveiled this morning and how it treats the issue of abortion.

As was noted, the House of Representatives and Congressman STUPAK came up with a clear, unequivocal policy position that extends the policy, es-

entially, that has been in place now for the past 30 years in this country regarding the use of taxpayer funds for abortions. The language that supposedly was negotiated between the Senator from Nebraska and the Democratic majority does not follow through or maintain that policy and, in fact, opens the door to allowing Federal funding to be used for abortions.

Irrespective of which side you come down on, on this issue, there has been widespread and broad American support for a very long time. I think it is something both Republicans and Democrats have agreed upon, and we should not deviate from that. The American people have made it very plain that they believe—60 to 70 percent, in most surveys—the Federal Government should not be using taxpayer funds to finance abortions. The funding is clearly in the Senate version that now has been negotiated. As the Senator from Oklahoma mentioned, the opposition comes from the Catholic Bishops, the opposition comes from the National Right to Life. It is very clear that this provision that is now included in the managers' amendment does not maintain the long-held policy we have had in this country supported by so many Americans that we not use taxpayer funds for abortions. So that, too, is something this bill falls short on, along with all of the other many things I have mentioned.

I think we are going to have many opportunities over the course of the next several days to continue to discuss this issue. We just received the managers' amendment this morning, and I think it is important, as the debate over the managers' amendment begins and we have some votes that are going to be coming up in the next few days, that we continue to talk about why this is the wrong approach for America, why it is the wrong approach for health care, why it is the wrong approach for our economy, and why it is the wrong approach for jobs. We can do so much better by the American people. This needs to be done in a step-by-step way. It needs to be done right. This legislation takes us in the wrong direction for the future of this country.

Mr. President, I yield the floor.

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#### MESSAGE FROM THE HOUSE

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#### ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 10:53 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 3326. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

H.J. Res. 64. Joint resolution making further continuing appropriations for fiscal year 2010, and for other purposes.