

and most importantly on consumer confidence. Let's try to slow down the rate of foreclosure. Let's help Middle America, which right now faces difficult times. Let's take them out of the newspaper and let's take them back into a buoyant economy that has jobs, has growth, and has promise for the future.

I submit that an extension of the first-time home buyer credit by removing the means test, raising the income limitation, and extending it to midyear is good for America, makes good sense for this Senate, and I hope we will find the time before the current bill sunsets to pass it and do it for America.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HEALTH CARE REFORM

Ms. MURKOWSKI. Mr. President, I rise to talk about the hidden taxes that American families could be forced to pay under the Baucus proposal if Congress doesn't cut half a trillion dollars in Medicare services. Despite the score we saw last week by the CBO that there would be an estimated \$81 billion in savings to the Federal Government, the fine print of that CBO letter paints a different picture and raises some real concerns about whether Congress has the stomach to cut \$500 billion in services to the elderly and the disabled on Medicare.

This point was raised over the weekend. There were several editorials that ran in the Washington Post, Reuters, the Salt Lake Tribune, and the Colorado Springs Gazette, and they criticized the Baucus bill for unrealistically relying on \$500 billion in savings in Medicare. These articles conclude that Congress is unlikely to enact Medicare cuts based on their annual action—our annual action—since 2003 that has stopped cuts to the doctors' reimbursement rates under the sustainable growth rates formula. This is what we call the SGR.

In 1997, Congress enacted the SGR formula, which automatically cuts Medicare reimbursement rates when annual spending for doctors' visits exceeds the SGR target. Every year since 2003, Congress has stepped in to prevent these cuts from going into effect. The question should be asked whether it is wrong for Congress to prevent these cuts. I suggest no, absolutely not. In fact, there is virtually unanimous agreement among Republicans, Democrats, and the President that the fixes must happen because the SGR is a flawed formula that doesn't accurately account for Medicare practice costs.

The SGR, however, is just one example of how Congress has been unwilling to not only prevent cuts to the Medicare Program but also unwilling to fix the flawed SGR formula. Except for 1 year, in 2002, when Congress allowed the 5.4-percent cut to go into effect, every year since then Congress has "fixed" the Medicare cut by affixing a Band-Aid, which has resulted in artificially adjusting the Medicare reimbursement rates and pushing larger "phantom cuts" into future years. Will this year's 21-percent cut to Medicare provider reimbursement rates go into effect? It is highly unlikely. In fact, the Baucus bill contains another Band-Aid measure that pushes this year 21-percent cut into 2010, with the notion that next year doctors will face an even larger, 25 cut under the Finance Committee proposal.

While the past is not always indicative of the future, I believe it is highly unlikely that we in Congress will witness any willingness to make a game-changing "audible" that forces half a trillion dollars in cuts to services for our seniors and for the disabled. The CBO has acknowledged this in a letter to Senator BAUCUS when they discussed the budgetary impact of the health care bill. CBO said:

The mechanism governing Medicare's payments to physicians has frequently been modified (either through legislation or administrative action) to avoid reductions in those payments. . . . The long-term budgetary impact [of the Finance Committee proposal] could be quite different if those provisions were ultimately changed or not fully implemented.

If, since 2003, Congress had stepped in to prevent Medicare cuts from going into effect, why should we expect Congress to now take the unprecedented step of cutting nearly half a trillion dollars from the Medicare Program? In fact, there was an editorial in the Washington Post last month talking about CBO's assumption of Medicare savings. They said:

Many Medicare "savings" are probably phony. Congress is likely to reverse them, as in the past. Put in that category about \$200 billion in "savings" over 10 years from lower reimbursement rates for doctors, which Congress has repeatedly prevented from occurring. A separate \$180 billion in "savings" from lower reimbursement for hospitals and other providers are similarly suspect. Together, these items provide about half the [Baucus plan's] financing. If half a trillion is waiting to be squeezed painlessly out of Medicare, why wait for health care reform? If, as Obama repeatedly insists, Medicare overspending is breaking the budget, why hasn't he gotten started on the painless billions in "waste and fraud" savings?

That was in the Washington Post last month.

Just today, on the front page of the Washington Post, it was reported that the SGR fix included in the House bill, H.R. 3200, was stripped out of the health care reform bill that passed in three House committees of jurisdiction. Leaders in the House are citing the \$240 billion cost of the SGR fix as the main reason for removing this pro-

vision. I believe Congress is being shortsighted in not addressing a major concern in the Medicare Program—a concern that not only would address reimbursement decreases that doctors have faced every year since 2002, but also the concerns about access to doctors that is worrying more and more Medicare patients every day. By stripping this important provision out of the House bill, Medicare patients are left crossing their fingers in the hopes that the SGR fix will ultimately be included in the health reform bill. I believe removal of this essential and important provision, not only because of policy concerns but, rather, because House leaders want to stay below an arbitrary pricetag, simply shows Congress's unwillingness to address significant failures in a government health program that impacts the lives of some 44 million elderly and disabled Americans.

We know the government has been promising to cut from the Medicare Program, particularly in the areas of waste, fraud, and abuse, since the Reagan administration. Yet spending continues to rise. There is no reason to believe this is going to ever change. I will not support cuts in services under the Medicare Program. I will ask my colleagues to give weighted consideration to whether they would be willing to tell their Medicare seniors and disabled constituents that they voted to cut \$500 billion from their Medicare insurance. Inevitably, if the Congress cannot pass a measure to cut from Medicare, then the money will have to be made up either through increased taxes on average American families or in the form of additional deficits that will burden future generations of Americans.

Mr. President, with over \$2 trillion spent on bailouts, stimulus, and cash for clunkers in just the past 22 months, we must be better stewards and more vigilant of the potential for additional costs to working families for expanding government services and creating more mandates for health insurance.

With that, I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. WEBB. Mr. President, I ask unanimous consent to speak in morning business.

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

The Senator from Virginia is recognized.

Mr. WEBB. I thank the Chair.

(The remarks of Mr. WEBB pertaining to the introduction of S. 1774 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WEBB. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2847, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

##### Pending:

Vitter-Bennett amendment No. 2644, to provide that none of the funds made available in this Act may be used for collection of census data that does not include a question regarding status of U.S. citizenship.

Johanns amendment No. 2393, prohibiting the use of funds to fund the Association of Community Organizations for Reform Now (ACORN).

Levin-Coburn amendment No. 2627, to ensure adequate resources for resolving thousands of offshore tax cases involving hidden accounts at offshore financial institutions.

Durbin modified amendment No. 2647, to require the Comptroller General to review and audit Federal funds received by ACORN.

Begich-Murkowski amendment No. 2646, to allow tribes located inside certain boroughs in Alaska to receive Federal funds for their activities.

Ensign modified amendment No. 2648, to provide additional funds for the State Criminal Alien Assistance Program by reducing corporate welfare programs.

Shelby-Feinstein amendment No. 2625, to provide danger pay to Federal agents stationed in dangerous foreign field offices.

Leahy amendment No. 2642, to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

Graham amendment No. 2669, to prohibit the use of funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

##### ENERGY AND WATER APPROPRIATIONS

Mr. COBURN. Mr. President, I plan on spending some time on the CJS appropriations bill, but I want to delay a moment. We are going to have a cloture vote, whether that is today or tomorrow or sometime, on the Energy and Water Conference Report. I was the

one who objected to bringing that to the floor and for some very serious reasons. Unanimously, the Senate body agreed to an amendment that would create transparency in that appropriations bill. There were no objections; it was a unanimous vote. What we attempted to do was to bring to light, to the American people, not just the 30 Senators who were going to get the reports—70 percent of the Senate cannot see the reports—to the rest of the Senators and to the rest of the American people, the reports that are requested by Congress on the operation of this appropriation authority.

We put in there a very specific exclusion for anything that would affect security so those items would not be exposed.

There were no significant efforts to hold this in conference. So I wanted to explain for a few minutes to the American people and to my colleagues why it is important. What we have here are the following reports. The question you have to ask is, why does the Appropriations Committee not want the American people to see this information? What in the world could be a good reason for American citizens and 70 Senators to not be able to see this? There is not any good reason.

I will go through and list what some of the reports are in this bill. Then I will raise the question: Why are we not letting the American people see it? Why are we not letting 70 of our colleagues see it?

An annual report on the Department of Energy, on their financial balances, is important information to me. It should be to every Member of this body. But it also should be important to every citizen out there who is paying for the \$1.6 trillion deficit we have this year. Actually, they are not paying, their kids are.

A report by Chief of Engineers on Water Resources, but the way it is phrased, it is on a "water resource matter." In other words, someone very specifically tied that so they would have information others do not have. This is government in the dark; this is not transparent government.

A report by the Nuclear Regulatory Commission identifying barriers to and its recommendations for streamlining construction of new nuclear reactors. If we want to get to clean energy, that is one way to do it. Yet the barriers for that construction, we are not going to know what they are. The American people are not going to find out and 70 Senators are not going to find out. We are not going to have that made available to us.

Two reports to report on the transfer of funds within the Department of Army, and a report on the transfer of funds within the Bureau of Reclamation for oversight activities—in other words, a report on the funds that are transferring for oversight, only appropriators get to see that. The American people do not get to see it. I do not get to see it. The President pro tempore

right now does not get to see it. Only the appropriators. Why would we not want to share that with the American people? Is there some reason?

A report by the administration on detailed accounting of receipts into and obligations and expenditures from the inland waterways trust fund. Well, what most people do not realize is when we put out a number that is our budget deficit every year, that number does not recognize what we have stolen from multitudes of trust funds, including the inland waterway trust fund, which is very important to all of the things that go on along the Mississippi River, the McClellan-Kerr Navigation System, the Upper Mississippi River, the Great Lakes. All of those are funded by the inland waterways trust fund—except we steal all of the money out of it so there is no money in it. Here is the report on it, and they do not want the American people to see it. Why would you not want the American people to see that we are stealing from the funds we have set up that were supposed to be dedicated to do certain things? Because you really do not want a transparent Congress so the American people can see what is going on.

A report on remediation efforts by the Corps of Engineers through the formerly utilized Sites Remedial Action Program. Most of us do not even know what that is. But the fact is, if we have former sites that required remedial action, why shouldn't we all get to see that? Why should we not be able to make a value judgment on whether the Corps did a good job and what they are doing with the money? But yet we cannot.

A report detailing the implementation and progress of the measurement plans for each funded energy innovation hub. We have these hubs out there to create alternative and renewable energy, except we are not going to see what they are doing. It is not going to be available to us. It is not going to be available to the American people, and they are paying for it. What happens if there is an idea and somebody reads about it and it gives them another idea?

A report by the Secretary of Energy to the Committee on Appropriations of the House and the Senate on the state of defined benefit pension liabilities in the Department for the preceding year. That is something we should all be aware of, not just a couple of staff members on the Appropriations Committee. The American people should know that, in fact, they do not have the money in the bank to fund their pension liabilities. Yet we are going to suppress that information. We are going to keep it from the sunshine. We are going to keep it from the light of day so the American people cannot see how miserably the government runs its own business. We do not want that out. We do not want you to see it.

I could go on and on. I have three pages of reports. Notably, some of them are security related and should