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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

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

Let us pray.

Almighty God, by whose providence our forebears brought forth this Nation, give to our Senators a passion to protect those liberties for which so many have given their lives to defend. Give them also the wisdom to trust You with all their hearts and to passionately and humbly pursue Your will, knowing that You have promised to direct their paths.

Today, may our lawmakers experience the constancy of Your presence. Guide them with Your higher wisdom, and bring them to the end of this day with their hearts at peace with You.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Sen-

ator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to a period of morning business for 2 hours. Senators will be permitted to speak therein for up to 10 minutes each. The Republicans will control the first half and the majority will control the second hour.

Following morning business, the Senate will resume consideration of the Worker, Home Ownership, and Business Assistance Act of 2009. Under an agreement reached last night, we will agree to a substitute amendment and at 12:15 proceed to a cloture vote on the bill. At 12:15, we will have a vote. If cloture is invoked, the postcloture debate time will be considered to have begun running as if cloture had been invoked at 11:45 p.m. last night.

WASTING TIME

Mr. REID. Mr. President, what I just read is a short way of saying we wasted another day. With all the work we have to do, we stood and looked at each other yesterday—30 hours of doing nothing and the ability to move legislation forward. Anybody who has been watching what has taken place in the last 3 years knows the Republicans have become experts in wasting time, the American taxpayers' time, the American people's time.

Yesterday was no different. Yesterday, Republicans used every trick in the book to slow and stall so we couldn't do important work. And 7,000 additional people lost their ability to have a check. It is starting to get cold. It is getting cold in Washington; it was 40 degrees. Maybe people can buy a coat for one of their kids, maybe they can make that payment on the car before it is repossessed, or maybe they can pay their rent before they are evicted. These people have been out of work for a long time, and we are trying to extend unemployment benefits. And it is paid for. We are not borrowing the money to do that. But, no, the Republicans have stalled and stalled. Now more than 200,000 people have lost their ability to get that extra dollar they need. These 200,000 people need help, but Republicans can't be bothered with that. They are stalling, showing everybody they can stall things here. They are doing that.

But I am grateful that the American people watching—two congressional seats were open; there were two special elections yesterday. They were both won by Democrats. Democrats, Independents, and Republicans around the country know what has happened in this body in recent years. Republicans are the party of no. That is why, in New York, a congressional district that for 150 years had been Republican went Democratic. The American people see what is going on in this Congress.

In addition to the unemployment compensation extension being held up, which is paid for—not a penny of taxpayer money is being borrowed—Republicans are standing in the way of giving businesses a tax break. This legislation, when we pass it, will allow businesses—big and little businesses—to take into consideration a tax break. If they have lost money in the last few years, they can get a tax break; that is, to carry forward a loss. They get a benefit from the loss. If they make money, they can set it off against the money

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



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they made as a result of losses they have been going through. We are trying to help businesses—especially small businesses—compensate for the losses they have endured in recent years. Again, Republicans are in no rush to help them. Each day that goes by is a real hurt to small businesses.

The good news is that we are making progress on health care reform. We look forward to receiving, in a matter of days, the CBO analysis of the proposals for fixing our health system that is so broken. We only have 1 week before Veterans Day, November 11, and 1 week before the Thanksgiving recess after that, then we will have only 3½ weeks until Christmas, and we have unemployment insurance stalled by the Republicans; military construction, which we are trying to get done to allow for construction of military bases around America and the world where we have installations; Commerce-Justice-Science, which is an important piece of legislation, stalled for weeks.

It is interesting, we hear the Republicans come to the floor—I heard one of the most unbelievable statements yesterday. Senator STABENOW was over there, and she had a chart that showed that 85 times this year the Republicans have stopped either efforts to move forward on a bill or almost 60 times we have had to invoke cloture to stop filibusters. A Republican Senator came and said: Every one of those 85 was the result of our not being allowed amendments.

That doesn't pass the test of a kindergarten. A number of the things they have held up are nominations. We have scores of President Obama's nominations being held up. And with Commerce-Justice-Science, they say they have no amendments. Interesting. They have amendments that have been filed, and as soon as we get cloture, they will be able to debate those amendments and vote on them. But, no, that wasn't enough amendments. Maybe on that one they needed another ACORN amendment because they only had one. I think that would have added up to five or six. Maybe that would please them, another ACORN amendment.

Mr. DURBIN. Will the majority leader yield for a question?

Mr. REID. Yes.

Mr. DURBIN. I think the leader is onto something because it has been a full 2 weeks since we had an ACORN amendment on the floor. So it is clear we should move to one, which is of the highest priority of Republicans. I wonder if we need more ACORN amendments.

Mr. REID. Yes, maybe we should have agreed to a couple more ACORN amendments.

For those not following this, that is an organization that has done some tremendously good work around the country. I acknowledge they have some problems. That is why I agreed with my friend from Illinois, who called for

a complete investigation of ACORN. We agree that if they have done things that aren't right, they should be brought before the necessary tribunals or administrative agencies to look at that. But enough is enough. We recognize ACORN is not a perfect organization, but how much time do we need to spend on that? I also say that with nominations.

Here are things we are going to do before we have our Veterans Day break: unemployment, which is tied to first-time home buyers, and net operating loss. We are going to do military construction. We are going to finish Commerce-Justice-Science.

We are going to do nominations. We are going to do Judge David Hamilton, Seventh Circuit, who has been waiting since April. We have agreed to time agreements. Do you want an hour, 2 hours, 5 hours, 10 hours of debate? No, we don't want anything. Up-or-down vote. The Department of Justice—one of the key officials there has been held up for months, and that is Chris Schroeder. We are going to also complete Tara O'Toole. Here is a woman who is one of the most eminently qualified people in America to serve as science adviser to Secretary Napolitano. Her expertise is in a number of areas, including bioterrorism. She has written scores of articles, and she is also an expert in pandemics. Janet Napolitano, the Secretary, called me and said, "I am desperate for this woman to come and work with me." The country is not capable of doing all the things that need to be done as a result of not having this job filled. Again, they won't let us vote on her. They won't take a time agreement. This is so important that we will spend 2 days debating it if we can have a vote. But that is not good enough. No time is sufficient.

A 6-month highway extension—we would love to get that done so we can meet the demands of the winter in America and so construction can go forward.

Mr. President, the American people see what is taking place. It is so obvious, and it is not constructive.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the 2 leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Nebraska is recognized.

HEALTH CARE REFORM

Mr. JOHANNIS. Mr. President, I rise today to speak about health care. I want to focus my comments today, if I could, on specifically the Medicare cuts and the impact that will have across this great Nation, and also I would like too zero in on what those Medicare cuts mean for my home State, the great State of Nebraska.

Medicare is a program that is a source of health care for about 45 million Americans. As we all know, it is essentially a program for those who are 65 and older. It dates back a lot of years.

In my State, the State of Nebraska, there are 272,000 Nebraskans who are Medicare beneficiaries. As I have talked to them—and I have done town-hall meetings and roundtables all around the State—they are pleased with the health care they receive. If they get sick, they have this program, this Medicare Program, that is there for them.

I want to start out saying that I believe the current plan, which cuts Medicare and claims reform, is really off base with this population. The proposal says Medicare will be cut by over \$400 billion.

Let me, if I might, just walk down through the various programs that will be impacted within Medicare.

There will be a \$130 billion cut for the Medicare Advantage Program. If anybody has spent any time talking to senior citizens about Medicare Advantage, they will tell you they like this program.

Mr. President, \$45 billion will be cut from hospitals that care for recipients of Medicare; \$40 billion will be cut from home health agencies; \$14.6 billion will be cut from skilled nursing facilities; and nearly \$8 billion will be cut from hospice programs.

I suggest, very respectfully, that this health care reform, which will cut Medicare by over \$400 billion, is not an improvement. These cuts ultimately will compromise the ability of Medicare beneficiaries to access the care they need.

If I may spend a moment this morning to talk about the profound impacts this will have in Nebraska, the Medicare Advantage Program, as I said, will be impacted by about a \$130 billion cut. Nationally, there are 11 million seniors enrolled. One Democratic Senator described these cuts as "intolerable." I agree with that description. Mr. President, 35,000 Nebraskans have Medicare Advantage plans. The plans provide choice and options that people like.

The President said that "if you like your plan, you can keep it." And relative to the Medicare Advantage beneficiaries, he said you will get a plan that is "just as good."

The Finance Committee markup was very instructive on this issue. The CBO Director stated that those people who have Medicare Advantage "will see changes and reductions in their benefits."