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#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, December 15, 2009, at 10:00 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 2052, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes and S. 2812 the Nuclear Power 2021 Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Rosemarie.Calabro@ener.senate.gov](mailto:Rosemarie.Calabro@ener.senate.gov)

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#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 20, 2009, at 2 p.m.

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

##### COMMITTEE ON FINANCE

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 20, 2009, at 10 a.m., in 215 Dirksen Senate Office Building.

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

#### PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Nassim Zecavati, who is a fellow in my office.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that the following HELP Committee fellows be granted the privilege of the floor for the duration of consideration of H.R. 3590, the legislative vehicle for the Patient Pro-

tection and Affordable Care Act of 2009: Sara Selgrade, Bill McConagha, Stephanie Hammonds, Joe Hutter, and Caroline Fichtenberg.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that my staff member, Mr. Brett King, be granted the privileges of the floor.

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

Mr. DORGAN. Mr. President, on behalf of Chairman BAUCUS, I ask unanimous consent that the list of staff from the Senate Finance Committee which is at the desk be granted the privileges of the floor during debate on the motion to proceed to H.R. 3509 and the cloture vote on the motion to proceed.

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

The list follows:

Laura Hoffmeister, Scott Berkowitz, Mary Baker, Bridget Mallon, Blaise Cote, Maryum Janjua, Audrey Schultz, Kaitlin Guarascio, Margaret (Angela) Franklin.

#### CONDITIONAL ADJOURNMENT OF THE HOUSE AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 214, the adjournment resolution received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 214) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DORGAN. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

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

The concurrent resolution (H. Con. Res. 214) was agreed to, as follows:

##### H. CON. RES. 214

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 19, 2009, or Friday, November 20, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 1, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 20, 2009, through Wednesday, November 25, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 30, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

#### ORDER FOR STAR PRINT—S. 1194

Mr. DORGAN. I ask unanimous consent that S. 1194, as reported by the Committee on Commerce, Science, and Transportation, be star printed with the changes at the desk.

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

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 111-25, announces the appointment of the following individuals to serve as members of the Ronald Reagan Centennial Commission: the Honorable DIANNE FEINSTEIN of California vice Frank Fahrenkopf of Nevada and the Honorable JIM WEBB of Virginia vice Sig Rogich of Nevada.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Executive Calendars Nos. 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 551, and all nominations on the Secretary's Desk in the Foreign Service; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

The nominations considered and confirmed are as follows:

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Paul K. Martin, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

##### EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

James LaGarde Hudson, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development.

##### DEPARTMENT OF STATE

Jose W. Fernandez, of New York, to be an Assistant Secretary of State (Economic, Energy, and Business Affairs).

Frederick D. Barton, of Maine, to be Representative of the United States of America on the Economic and Social Council of the

United Nations, with the rank of Ambassador.

#### MILLENNIUM CHALLENGE CORPORATION

Daniel W. Yohannes, of Colorado, to be Chief Executive Officer, Millennium Challenge Corporation.

#### INTER-AMERICAN DEVELOPMENT BANK

Gustavo Arnavat, of New York, to be United States Executive Director of the Inter-American Development Bank for a term of three years.

#### DEPARTMENT OF STATE

Frederick D. Barton, of Maine, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Robert R. King, of Virginia, to be Special Envoy on North Korean Human Rights Issues, with the rank of Ambassador.

William E. Kennard, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Carmen Lomellin, of Virginia, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, vice Hector E. Morales, resigned.

Cynthia Stroum, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Michael C. Polt, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

John F. Tefft, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

David Huebner, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to New Zealand, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Samoa.

Peter Alan Prahar, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Pamela S. Hyde, of New Mexico, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### FOREIGN SERVICE

PN282-2 FOREIGN SERVICE nomination of Terence Jones, which was received by the Senate and appeared in the Congressional Record of April 20, 2009.

PN929 FOREIGN SERVICE nominations (126) beginning Andrea M. Cameron, and ending Aleksandra Paulina Zittle, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2009.

PN964 FOREIGN SERVICE nominations (168) beginning Laurie M. Major, and ending Maria A. Zuniga, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

#### ORDERS FOR SATURDAY, NOVEMBER 21, 2009

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., tomorrow, Saturday, November 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the motion to proceed to H.R. 3590, with debate as provided for under the previous order. Finally, I ask that the Republicans control the time from 8 p.m. until 9:30 p.m. tonight.

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

#### PROGRAM

Mr. DORGAN. Mr. President, at 8 p.m. tomorrow, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to proceed to H.R. 3590, the legislative vehicle for the Patient Protection and Affordable Care Act of 2009.

#### ORDER FOR ADJOURNMENT

Mr. DORGAN. I ask unanimous consent that following the remarks of Senator ENZI, the Senate adjourn under the previous order.

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

The Senator from Kansas.

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009—MOTION TO PROCEED—Continued

Mr. ROBERTS. Mr. President, I ask unanimous consent that I be permitted to engage in a colloquy with my Republican colleagues.

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

Mr. ROBERTS. Mr. President, this is the health care bill. There are a lot of things in this bill that I object to. The \$2.5 trillion cost, the 24 million people still left uninsured, the unconscionable  $\frac{1}{2}$  trillion cuts to Medicare and our senior citizens, with another  $\frac{1}{2}$  trillion in job-killing tax increases, in my view, the stunning assaults on liberty, and the Orwellian policies making health insurance even more expensive—any one of these things would make me vote no on this bill. But one issue has me troubled the most; that is, the issue of rationing. We have several of my colleagues here who will speak to this subject, and we will engage in a colloquy. I don't think this issue has sunk in with the American people and, for that matter, the media.

I want everyone to understand something. This bill aims to control the

government's spending by rationing your access to health care. Let me repeat that. This bill aims to control the government's spending by rationing your access to health care. There are at least four government entities—we decided to call them "the rationers"—that will stand between you and your doctor, and these four entities are represented by the four walls on this chart behind me blocking the doctor-patient relationship. You can see a pair of senior citizens and with frowns on their faces and then we have the rationers. We have an institute, a board, a center, and a task force, some of which are in place now and some are not. But every Senator should know about them and every health care recipient or especially senior citizen should know about them. Senator REID's bill establishes the Patient-Centered Outcomes Research Institute—that is the first wall—to conduct something called comparative effectiveness research, or CER, which is research that compares two or more of the same treatment options for the same condition to see which one works best. That sounds like a good idea. But, unfortunately, when CER is conducted by a government under pressure to meet a budget, it can be manipulated in some very sinister and counterproductive ways, as has been demonstrated by the United Kingdom's CER Institute. They call theirs the National Institute for Health and Clinical Excellence. The acronym is NICE, but NICE is not very nice in Great Britain.

NICE is notorious for delaying or outright denying access to health care treatments based on CER that takes into account the cost of the treatment and the government's appraisal of the worth of the patient's life or comfort. Some of the more shocking CER decisions handed down by NICE over the years include: restricting access to drugs to save seniors' vision from macular degeneration until the patient is blind in one eye, inconceivable; denying access to breakthrough treatments for aggressive brain tumors; and refusing to allow Alzheimer's therapy until the patient deteriorates.

The Patient-Centered Outcomes Research Institute will be the American version of NICE using CER to save the government money by rationing your health care.

Over the past few months, I have offered several amendments, along with Senators KYL, COBURN, and ENZI, to protect American patients from NICE-style rationing, to prohibit this bill from valuing cost containment over the care of patients. Unfortunately, they have all been voted down on party-line votes in the HELP Committee, the Finance Committee, and previously on the floor.

Let's move to the independent Medicare advisory board. That is the second wall between patients and their doctor. The Obama-Reid bill establishes a new independent Medicare advisory board, an unelected body of 15 experts who