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## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, December 7, 2009, at 10.30 a.m.

## Senate

FRIDAY, DECEMBER 4, 2009

The Senate met at 9:31 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Our Father, we bow in Your sacred presence to acknowledge our need of You. We can do without many things, but without You we can't live.

Meet the needs of the Members of this legislative body. When sorrow and shadows fall on their path, fill them with Your joy and light. When they feel perplexed, provide them with Your bountiful wisdom. When their health fails, be for them the great physician. Lord, we also ask You to protect their loved ones with the shield of Your favor. Give our lawmakers courage for hard times and strength for difficult places. We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 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 MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WARNER 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 resume consideration of the health care bill. The time until 11:30 a.m. is equally divided and controlled between the leaders or their designees. The majority will control the first half and the Republicans the second half.

We have a number of votes we are going to try to arrange this afternoon. We will let all Senators know as soon as we have this worked out, but there will be some votes today and tomorrow.

### HEALTH CARE REFORM

Mr. REID. Mr. President, the amendment process continues to crawl forward,

and this historic health reform bill continues to evolve and improve. This is a good bill. It saves lives, saves money, and saves Medicare. It makes health insurance more affordable, makes health insurance companies more accountable, and makes our economy stronger. The Democrats know we can make it even better. This is happening because of the dedicated hard work from throughout the Democratic caucus—from veteran Senators and newer Senators, by the hands of men and women from diverse parts of the country and good public servants from all points of the political spectrum.

Senator MIKULSKI of Maryland, who for decades has been a champion for women's health, made it better by making sure women can get the mammograms, the checkups and preventive care they need to stay healthy and get them at no cost.

Senator BENNET of Colorado, who has served skillfully in this body for less than a year, made it better by reaffirming our commitment to Medicare. He made it better by ensuring seniors get the care they need and the quality of life they deserve.

That positive trend will continue today. Senator WHITEHOUSE of Rhode Island, who came to Congress with a class of Senators elected with a strong mandate to change the way Washington works, has proposed an amendment based on common sense and accountability. It says the money dedicated to the health care of American seniors and of people with disabilities should be used only for those precise purposes.

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



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Unfortunately, Senate Republicans are less interested in solving problems than they are in creating them. The day before this floor debate began, the assistant Republican leader—the junior Senator from Arizona—said: “There is no way to fix this bill.” Of course, that is absolutely totally wrong.

All Senators know there is a reliable way to improve legislation—to improve this bill. It has been in use for 220 years. It is called the legislative process. It is called doing our job.

As this bill continues to improve, I, once again, remind my colleagues not to lose sight of the bigger picture. As we delve into the details and debate the fine print, let us not forget why we are here. Our goal remains the same it was the day we began this debate many months ago. It remains the same as it was a year and a half ago, when Senate Finance Committee chairman MAX BAUCUS first held a series of hearings that led to the legislation that is now before us.

Our goal remains the same as it was last November when the American people called in a loud and clear voice for change. It remains the same as it did 31 years ago, when Senator Ted Kennedy called it shameful that “in our unbelievably rich land, the quality of health care available to many of our people is unbelievably poor, and the cost is unbelievably high.”

It remains the same as it did the day President Truman sounded a call to action to ensure that American families are protected from what he called “the economic effects of sickness.” That was more than 64 years ago, and more than half of today’s Senators weren’t even born then. That constant goal has been and remains this: We must make it possible for every American—each and every American—to afford to live a healthy life.

Each moment in this fight is historic. No bill to put health care decisions in the hands of the people has ever come this far. But the most historic days of the journey lie ahead. We can only seize that opportunity if this debate is about facts, not about fear.

I remind my colleagues that if we are to truly help the American people and the American economy, if we are to sincerely do the work our neighbors sent us to do, if we are to leave our children and grandchildren a better inheritance than a deep deficit and a broken health care system—if we are to do any of these things—we must work together and not against each other. We must work as partners, not as partisans.

This is not the first time I have asked my Republican friends to think of the real families across this Nation who face real problems—families with real diseases, real sicknesses, real medical bills, and real fears. It is not the first time I have warned that America has no place for those who hope for failure.

This is not the first time I have extended my hand across the aisle and

asked my Republican friends to abandon their shortsighted strategy to bring the Senate to a screeching halt; for example, issuing an informational guide on how to stop and slow things. That doesn’t work. We need a strategy that says we can win because that will mean the American people do not lose.

So I hope that, for the first time, we will have people of good will on the Republican side of this Chamber who will walk over and say: Let’s work together to get some things done. I have had a couple good conversations the last few days with some of my colleagues on the other side of the aisle. I hope we can move forward. This is a bill that doesn’t look at a person who is sick or hurt or afraid as being a Democrat or a Republican or an Independent. They are Americans. They are from Virginia, Montana, Nevada and from all over America and they are people who are calling upon us to do the right thing.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized

#### HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, we had a very clarifying vote on the Senate floor about the direction of our friends on the other side with regard to our health care system. Yesterday, all but two of them voted to preserve nearly \$½ trillion in cuts to Medicare, the health program for our seniors. In the runup to that vote, they said these cuts were not cuts and that Medicare Advantage in particular is not a part of Medicare, arguments plainly contradicted by the text of the bill itself, by the Department of Health and Human Services, by the independent Congressional Budget Office, and by the experience of seniors themselves.

Seniors do not want Senators fooling with Medicare. Let me say that again. Seniors do not want Senators fooling with Medicare. They want us to fix it, to strengthen it, to preserve it for future generations—not raid it like a giant piggy bank in order to create some entirely new government program.

Yesterday’s vote was particularly distressing for the nearly 11 million seniors on Medicare Advantage. So today Members will have an opportunity to undo the damage they voted to do to this program. With yesterday’s vote, proponents of this measure authorized \$120 billion in cuts to Medicare Advantage and in the process they expressly voted to violate the President’s pledge that seniors who like the plans they have can keep them. The President has said seniors who like the plans they have can keep them—because you can’t cut \$120 billion from a benefits program, obviously, without cutting benefits.

The Congressional Budget Office has been crystal clear on this matter.

When asked about the effect these cuts would have on Medicare Advantage, the Director of CBO was unequivocal. He said that approximately half of Medicare Advantage benefits will be cut for nearly 11 million seniors enrolled in this program under this bill.

This is the Director of the Congressional Budget Office being unequivocal. He said that approximately half of Medicare Advantage benefits will be cut for nearly 11 million seniors enrolled in this program under this bill. That is what our friends on the other side voted for yesterday and they know it.

One Democrat last night was explicit. He admitted that after yesterday’s votes, Democrats will not be able to say that “if you like what you have you can keep it.” This is one of our Democrat colleagues yesterday saying: “If you like what you have you can keep it” can no longer be said.

He went on to say “that basic commitment that a lot of us around here have made will be called into question.” I think that is highly likely.

Our friends have a couple of choices here today. They can reaffirm their plan to cut benefits for nearly one-fourth of all seniors enrolled in Medicare, they can admit that the President’s pledge about keeping the plan you like no longer applies, or they can reverse part of yesterday’s vote later today by voting with Republicans to restore those cuts to Medicare Advantage.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyers 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.

Whitehouse amendment No. 2870 (to amendment No. 2786), to promote fiscal responsibility by protecting the Social Security surplus and CLASS program savings in this act.

Hatch motion to commit the bill to the Committee on Finance, with instructions.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are beginning our fifth day of consideration on the health reform bill. We will be in a period of debate only until about 11:30 a.m. Pending now is the