

## PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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, December 17, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND 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. Madam President, following leader remarks, the Senate will resume consideration of the motion to concur with respect to H.R. 3326, the Defense Appropriations Act. The first hour will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes and the majority will control the next 30 minutes. I filed cloture on the motion to concur. That vote will occur sometime in the next 10 or 12 hours.

## PASSAGE OF CRITICAL LEGISLATION

Mr. REID. Madam President, we are going to finish this health care bill before we leave for the holidays.

For nearly an entire year, we have reached out to the other side, offered Republicans a seat at the table, tried to negotiate in good faith—nearly a whole year. Now we are closer than ever to fixing a badly broken system and doing more to make sure every American can afford to live a healthier life than this country has done in decades.

The Republicans have made their point. Through obstruction manuals, admissions that they believe stalling is good for electoral politics, and gambits like the one we saw yesterday; that is, forcing the full, hours-long reading of

an amendment they did not like, and then complaining when that amendment they did not like was withdrawn, they have made their point to the American people. They have made it perfectly clear they have no interest in cooperating or legislating.

But the families and businesses who are suffering, hurting, and dying every single day have no time for these kinds of games. That is why we are going to finish health care whether the other side cooperates or not.

But health care is not the only critical issue this body faces. It is not the only critical issue to this country or before this body. Right now we have to complete a bill that supports the fighting men and women of this country, whether they are in Iraq, Afghanistan, Korea, Japan—all those many bases where tens of thousands of people are stationed. It is as simple as that.

Here are some of the good things in the bill that is now before the Senate, the message from the House. It funds more than \$100 billion for operations, maintenance, and military personnel requirements for the wars in Iraq and Afghanistan. Part of that money will also support preparations to continue withdrawal from Iraq. There is more than \$23 billion for the equipment used by our servicemembers in Iraq and Afghanistan to do their jobs and stay safe. There is more than \$150 billion to train our troops and prepare them for battle. There is more than \$30 billion for the health care of our servicemembers, their families, and their children. It also gives our brave and valiant troops a pay raise of 3.4 percent this year.

This is not a partisan issue. Yesterday, this bill passed the House 395 to 34. More than 90 percent of Democrats voted for this bill. More than 90 percent of Republicans in the House of Representatives voted for this bill. That is because they know to our fighting men and women—these brave Americans half a world away, a lot of them—who wage two wars on our behalf, it is immaterial whether the leaders who will give them all the resources they need to succeed are progressives or conservatives. Surely, our troops who are on deployment after deployment after deployment spend more time counting the days until they can see their loved ones again than they do counting the political points scored by either side. They do not care most of the time, Madam President. They just do their jobs.

The House proved as much yesterday. The Senate should do the same today. We received this bill yesterday at 2 p.m. Are we going to wait until tomorrow to pass it? This simply is not right. Let's give our troops what they need to succeed, and do it now. Then let's get back to giving all Americans what they need to stay healthy.

These two bills—these two pieces of legislation—are about life and death. Our responsibility is too great to waste time playing political games.

## RECOGNITION OF THE MINORITY LEADER

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

## HEALTH CARE REFORM

Mr. McCONNELL. Madam President, Senators on both sides acknowledge that the health care bill we are considering is among the most significant pieces of legislation any of us will ever consider—I think, I would argue, the most significant piece of legislation certainly in my time here. So it stands to reason we would devote significant time and attention to it.

Indeed, some would argue we should spend more time and attention on this bill than most—if not every—previous bills we have considered.

The majority, obviously, disagrees. Why? Because this bill has become a political nightmare—a literal political nightmare to them—as evidenced by more and more public opinion polls, including the Wall Street Journal/NBC poll out this morning. They know Americans are overwhelmingly opposed to it, so they want to get it over with as quickly as possible.

Americans are already outraged at the fact that Democratic leaders took their eyes off the ball, rushing the process on a partisan line that makes the situation even worse.

Americans were told the purpose of reform was to reduce the cost of health care. Instead, Democratic leaders produced a \$2.5 trillion, 2,074-page monstrosity that vastly expands government, raises taxes, raises premiums, and wrecks Medicare. And they want to rush this bill through by Christmas? They want to rush this bill through by Christmas that does all of these destructive things. One of the most significant, far-reaching pieces of legislation in U.S. history, and they want to rush it.

Here is the most outrageous part. At the end of this rush, they want us to vote on a bill that no one outside the majority leader's conference room has seen yet. No one has seen it. That is right. The final bill we vote on is not even the one we have had on the floor of the Senate. It is the deal Democratic leaders have been trying to work out in private. That is what they intend to bring to the Senate floor and force a vote on before Christmas.

So this entire process is essentially a charade. But let's just compare the process so far with previous legislation for a little perspective.

Here is a snapshot of what we have done and where we stand on this bill.

The majority leader intends to bring this debate to a close as early as this weekend—4 days from now—on this \$2.5 trillion mistake. No American who has not been invited into the majority leader's conference room knows what will be in the bill.

The bill has been the pending business of the Senate since last November—less than 4 weeks ago—but we

have actually only started the amendment process 2 weeks ago—just 2 weeks ago on the amendment process.

We have had 21 amendments and motions—less than 2 a day.

So let's look at how the Senate has dealt with previous legislation, arguably of lesser consequence than this one.

No Child Left Behind in 2001: 21 session days over 7 weeks, 44 rollcall votes, 157 amendments offered.

The 9/11 Commission/Homeland Security Act in 2002: 19 session days over 7 weeks, 20 rollcall votes, 30 amendments offered.

The Energy bill in 2002: 21 session days over 8 weeks, 36 rollcall votes, 158 amendments offered.

Now, Madam President, this is not an energy bill. This is an attempt by the majority to take over one-sixth of the U.S. economy—to vastly expand the reach and role of government into the health care decisions of every single American—and they want it to be done after one substantive amendment—one large, substantive amendment. This is absolutely inexcusable.

I think Senator SNOWE put it best on Tuesday. This is what she had to say Tuesday of this week. "Given the enormity and complexity," Senator SNOWE said, "I don't see anything magical about the Christmas deadline if this bill is going to become law in 2014."

And I think Senator SNOWE's comments on a lack of bipartisanship at the outset of this debate are also right on point. Here is what Senator SNOWE said in November of this year—late November:

I am truly disappointed we are commencing our historic debate on one of the most significant and pressing domestic issues of our time with a process that has forestalled our ability to arrive at broader agreement on some of the most crucial elements of health care reform. The bottom line is, the most consequential health care legislation in the history of our country and the reordering of \$33 trillion in health care spending over the coming decade shouldn't be determined by one vote-margin strategies—surely—

Surely—

we can and must do better.

Well, Senator SNOWE is entirely correct.

The only conceivable justification for rushing this bill is the overwhelming—overwhelming—opposition of the American people. Democrats know the longer Americans see this bill, the less they like it.

Here is the latest from Pew; it came out just yesterday. A majority—58 percent—of those who have heard a lot about the bill oppose it, while only 32 percent favor it.

There is no justification for this blind rush, except a political one, and that is not good enough for the American people, and that is not justification for forcing the Senate to vote on a bill that none of us have seen.

Americans already oppose the bill. The process is just as bad. It is completely reckless and completely irresponsible.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 3326, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill.

Reid motion to concur in the amendment of the House to the amendment of the Senate with amendment No. 3248 (to the House amendment to the Senate amendment), to change the enactment date.

Reid motion to refer the amendment of the House to the Committee on Appropriations, with instructions, Reid amendment No. 3249, to provide for a study.

Reid amendment No. 3252 (to Reid amendment No. 3248), to change the enactment date.

Reid amendment No. 3250 (to amendment No. 3249), of a perfecting nature.

Reid amendment No. 3251 (to amendment No. 3250), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, Senators are permitted to speak for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I ask unanimous consent that the Senator from Tennessee lead a colloquy including the Senator from Oklahoma, the Senator from Wyoming, myself, and the Senator from Kentucky.

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

Mr. ALEXANDER. Madam President, I thank the Senator from Arizona.

I was thinking as I listened to the Republican leader, I wonder if the Senator noticed the comments of the Governor of California on Monday. Governor Schwarzenegger said on "Good Morning America" that he supports the idea of overhauling health care, but: "the last thing we need," said Governor Schwarzenegger, "is another \$3 billion in spending when we already have a \$20 million deficit."

He was referring to one of the unintended consequences of this bill, which is big State costs for Medicaid being shifted to the States—unfunded mandates.

So here is Governor Schwarzenegger's advice, following up on the comments of the leader: "So I would say be very careful to the Federal Government."

This is from the Governor of California:

Before you go to bed with all this, let's rethink it. There is no rush from one second to the next. Let's take another week or two. Let's come up with the right package.

I wonder if the Senator saw it.

Mr. MCCAIN. I thank the Senator from Tennessee who also understands this issue as well as or better than anyone, having been a Governor and recognizing the problems the Governors face.

If I could step back a second, Governor Schwarzenegger is a very astute observer of the political scene in California. May I point out to my colleagues, in this morning's Wall Street Journal: "Democrats' Blues Grow Deeper in New Poll," and then: "Support for Health Overhaul Wanes."

There is some remarkable information concerning the mood and views of the American people, following on a Washington Post ABC News poll out yesterday that says 51 percent of Americans say they oppose the proposed changes to the system; 44 percent approve.

Thanks to the efforts of so many people, including our leadership, we have turned American public opinion because we have been informing them of the consequences of passage of this legislation.

Let me quote from the Wall Street Journal article:

More Americans now believe it is better to keep the current health system than to pass President Barack Obama's plan, according to a new Wall Street Journal-NBC News poll. Findings mark a shift from the fall when the overhaul enjoyed the edge over the status quo. According to the poll, 44 percent of Americans said it is better to pass no plan at all compared with 41 percent who said it is better to pass the plan.

What they are saying is: Don't do this government takeover; don't increase taxes; don't increase spending; don't increase the costs. It is a remarkable shift, thanks to informing the American people.

Could I mention a couple of other points made in this poll in the Wall Street Journal. In September, 45 percent of Americans said they wanted the plan passed; 39 percent wanted to "keep the current system." In December, in polling out today, only 41 percent of the American people want it passed, and 44 percent say keep the current system.

Then, of course, we have another interesting statistic:

Trust that the government will do what is right: 21 percent say always or most of the time; 46 percent say only some of the time; and 32 percent of the American people say almost never.

Of course, the anger and disapproval of this health care plan right now is the centerpiece of Americans' dissatisfaction of the way we do business.