



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, SATURDAY, DECEMBER 19, 2009

No. 195

## Senate

The Senate met at 6:45 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

### PRAYER

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

Let us pray.

Almighty God, remove from our hearts any destructive fear of the future, whether of the life that now is or the life that is to come. Today, abide with our lawmakers, giving them wisdom to allow Your Spirit to have access to their hearts. Deepen their joy during this sacred season when we remember Your journey to our world to save us from sin. Remind them that they cannot begin to manage life as You intend it to be unless they look to You for guidance and power. Renew

their trust in You as the Sovereign of our Nation and the generous Benefactor of the blessings that come to our land.

We pray in Your mighty Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., 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 19, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### NOTICE

If the 111th Congress, 1st Session, adjourns sine die on or before December 23, 2009, a final issue of the *Congressional Record* for the 111th Congress, 1st Session, will be published on Thursday, December 31, 2009, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-59 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 30. The final issue will be dated Thursday, December 31, 2009, and will be delivered on Monday, January 4, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at [http://webster/secretary/cong\\_record.pdf](http://webster/secretary/cong_record.pdf), and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman*.

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



Printed on recycled paper.

S13471

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will resume the House message with respect to H.R. 3326, the Department of Defense Appropriations Act.

The time until 7:20 a.m. will be equally divided and controlled between the two leaders or their designees, with the final 10 minutes reserved for the two leaders, with the majority leader controlling the final 5 minutes. At approximately 7:20 a.m. the Senate will proceed to a series of votes with respect to the Defense appropriations bill.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 7:20 a.m. shall be equally divided and controlled between the two leaders or their designees, with the final 10 minutes reserved for the two leaders, and with the final 5 minutes controlled by the majority leader.

The majority leader is recognized.

Mr. REID. Mr. President, it is my understanding the time until 7:10 is equally divided and controlled; is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, I designate the majority whip, the Senator from Illinois, DICK DURBIN, to have control of that 10 minutes on our side.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time do we have on this side?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mr. ALEXANDER. Mr. President, please let me know when 1 minute remains.

Mr. President, we are here on this early Saturday morning, as we lead up to Christmas Day, to finish work on the Defense appropriations bill. But the country knows the focus of our attention, the reason we are here, is because of the health care debate. We are in our 20th consecutive day of considering health care, and we still do not have a final bill. In other words, we do not yet know what we are voting on, how much it costs, or how it affects the American people.

On October 6, 2009, eight Democratic Senators wrote the majority leader a letter which expressed the view also of all 40 Republican Senators, and it said what ought to be obvious: that when debating even a minor bill, but certainly a major bill of this magnitude, the "public's participation in this process"—so the letter went—"is critical to our overall success of creating a bill that lowers health care costs and offers access to quality and affordable health care for all Americans."

The letter from the eight Democratic Senators continues:

Every step of the process needs to be transparent, and information regarding the bill needs to be readily available to our constituents before the Senate starts to vote on legislation that will affect the lives of every American.

The letter continues:

The legislative text and complete budget scores from the Congressional Budget Office of the health care legislation considered on the Senate floor should be made available on a website the public can access for at least 72 hours prior to the first vote to proceed to the legislation. Likewise, the legislative text and complete CBO scores of the health care legislation as amended should be made available to the public for 72 hours prior to the vote on final passage of the bill in the Senate. Further, the legislative text of all amendments filed and offered for debate on the Senate floor should be posted on a public website prior to beginning debate on the amendment on the Senate floor. Lastly, upon a final agreement between the House of Representatives and the Senate, a formal conference report detailing the agreement and complete CBO scores of the agreement should be made available to the public for 72 hours prior to the vote on final passage of the conference report in the Senate.

Mr. President, that is wise advice from Senator LINCOLN, Senator BAYH, Senator LANDRIEU, Senator LIEBERMAN, Senator MCCASKILL, Senator NELSON, Senator PRYOR, and Senator WEBB. What they are saying is, before we vote on a health care bill that affects nearly every 1 of all 300 million Americans we ought to have 72 hours to read the bill and know what it costs. We know the current version, when fully implemented, will spend \$2.5 trillion, which the Chief Actuary of the government says insofar as we know it will increase the cost of health care rather than reduce it. We know that the version we have seen so far will take \$1 trillion out of Medicare when the bill is fully implemented and not use it to strengthen Medicare—which is becoming insolvent in the years 2015 to 2017, according to the trustees of Medicare—

but instead would spend that money on some other program. We know it would—as David Brooks in a New York Times column said yesterday—create a huge tax, \$1.42 trillion in the second decade of its operation to help pay for this, which the Director of the Congressional Budget Office has said would inevitably be passed along to consumers and cause premium costs to go up, not down. And we know it would expand Medicaid, the other large government program we already have for low-income Americans, sending a bill of \$25 billion to the States that has been roundly denounced by almost every Governor in the country, Democratic and Republican.

Because at a time when the States are struggling more than they have since the Great Depression with their own budgets, when they cannot print money, when they have to balance their budgets, we are expanding health care and sending them a huge bill to help pay for it. This inevitably will force States to raise taxes, raise college tuition; and, in my State, the Governor is considering releasing up to 4,000 nonviolent offenders from the prisons as a result of some of the budgetary pressures that are on him.

So that is what we do know about the bill. But we do not have the final version of the bill. Yet it is said we should vote on this by Christmas when, in fact, most of the provisions of the bill do not take effect until 2014. That is 4 years from now. Only a few provisions start right away. Mr. President, \$73 billion in taxes start right away. Medicare cuts start right away. Mandates start right away. A few benefits start right away.

But, basically, the thrust of this massive legislation that affects 17 percent of our economy does not take effect for 4 years. So if we do not have the bill, and if most of the legislation does not take effect for 4 more years, then why are we spending this time staying up all night, rushing to enact the bill by Christmas?

I believe it is because the majority knows the longer the public sees the bill, the more they know about it, the less they will like it, and they want to try to pass it before people know what is in it. Otherwise, we would already have the bill. Otherwise, we would be taking the time we took with the farm bill, with the Education bill, with the Energy bill, with other major legislation that takes 5, 6, 8, 10 weeks. Otherwise, we would have worked across party lines and had many different kinds of views. So this is a rush.

There has been a lot of talk about making history on health care. The problem is, there are different kinds of history. In this case, the Democratic majority seems to be determined to pursue a political kamikaze mission toward an historic mistake. If it succeeds, the results will be disastrous for the Democrats in 2010, I would predict. But, unfortunately, it will be a bigger disaster for our country.