



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, MONDAY, DECEMBER 21, 2009

No. 197

House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, December 23, 2009, at 11:30 a.m.

Senate

MONDAY, DECEMBER 21, 2009

(Legislative day of Sunday, December 20, 2009)

The Senate met at 12:01 a.m., on the expiration of the recess, and was called to order by the Honorable MARK UDALL, a Senator from the State of Colorado.

PRAYER

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

Let us pray.

Eternal God, help of the ages, as we labor a great while before day, give our

lawmakers the wisdom to see the right and the courage to do it. Cause them to be men and women of integrity, so that our citizens can lead quiet and peaceful lives in all godliness and honesty. Remind our Senators that You have called them to be servants of the people during this challenging season, so that they must not succumb to pessimism and cynicism or grow weary in well doing. Gird them with fortitude.

Illumine them with the light of truth, and make them more than conquerors in the faith that the kingdoms of this world are to become the one and radiant Kingdom of Your redeeming love.

Lord, please remind the many workers who support the legislative process that You see their diligence and will reward their faithful sacrifices.

We pray in Your great Name. Amen.

NOTICE

If the 111th Congress, 1st Session, adjourns sine die on or before December 26, 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, 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.

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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.



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PLEDGE OF ALLEGIANCE

The Honorable MARK UDALL 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 21, 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 UDALL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of Colorado thereupon assumed the chair as Acting President pro tempore.

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009—Resumed

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Reid amendment No. 3276 (to amendment No. 2786), of a perfecting nature.

Reid amendment No. 3277 (to amendment No. 3276), to change the enactment date.

Reid amendment No. 3278 (to the language proposed to be stricken by amendment No. 2786), to change the enactment date.

Reid amendment No. 3279 (to amendment No. 3278), to change the enactment date.

Reid motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid amendment No. 3280, to change the enactment date.

Reid amendment No. 3281 (to the instructions (amendment No. 3280) of the motion to commit), to change the enactment date.

Reid amendment No. 3282 (to amendment No. 3281), to change the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 1 a.m. will be equally divided and controlled between the two leaders or their designees, with the majority leader controlling the final 10 minutes prior to 1 a.m., and the Republican leader controlling the 10 minutes immediately prior to that.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I intend to take 10 minutes of the Republican time. Will you please let me know when 1 minute remains?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, there may be a number of Americans who are switching over from the Minnesota v. Carolina football game and they may be wondering what in the world is the U.S. Senate doing coming into session at

midnight on a Sunday in the middle of a snowstorm and getting ready to vote at 1 a.m.? So let me try to explain that for a moment.

The reason is, the Democratic majority leader, who is the only one who can set our schedule, showed up yesterday with a 400-page amendment—yesterday. This amendment had been written in secret for the last 6 weeks. The assistant Democratic leader said, last week, on the floor, he had no idea what was in it. Of course, none of us on the Republican side knew what was in it. So almost no one here knew what was in it. It was presented to us. Then the Democratic leader said: Well, we are going to start voting on it, and we are going to pass it before Christmas.

This is an amendment to the health care bill, which when fully implemented, will cost about \$2.5 trillion over 10 years, according to the Senate Budget Committee; which restructures a sixth of our economy; which affects 300 million people; which will raise taxes by about \$1 trillion when fully implemented over 10 years; and which will cut Medicare by about \$1 trillion when fully implemented over 10 years. It doesn't cut Medicare to make Medicare more solvent which, as we know, it is going to become insolvent, according to its trustees, by 2015, but to spend on a new entitlement.

It will also shift to the States a great many expenses, so much so that our Democratic Governor in Tennessee has said it is the mother of all unfunded mandates. The Governor of California says it is the last thing we need, take your time, get it right. But the Democratic leader and his colleagues insist that we need to bring this up in the middle of a snowstorm, write it in secret, vote on it in the middle of the night, and get it passed before Christmas Eve.

Why would they want to do that? Well, I think the answer is very clear. It is because they want to make sure they pass it before the American people find out what is in it. Because the American people, by nearly two to one, according to a CNN poll, do not like what they have heard about the health care bill. When they have to start explaining what is in it, they are afraid it will be worse, and it will never pass.

Republicans are not the only ones who believe we ought to stop and think about big issues before we deal with it. Eight Democratic Senators—Senators LINCOLN, BAYH, LANDRIEU, LIEBERMAN, MCCASKILL, NELSON, PRYOR, and WEBB—wrote Senator REID on October 6, saying to Senator REID:

As you know, Americans across our country have been actively engaged in the debate on health care reform. . . . Without a doubt, reforming health care in America is one of the most monumental and far-reaching undertakings considered by this body in decades. We believe the American public's participation in this process is critical to our overall success. . . .

I am quoting from the eight Democratic Senators. They go on to say they want to make sure the bill is on a Web

site "for at least 72 hours" before we vote on it. This bill was given to us yesterday—400 pages of it—we had not seen before. Seventy-two hours would be Tuesday. So the minimum requirement, according to the eight Democratic Senators and all 40 Republican Senators, would be that we should not even think about voting on it until at least Tuesday. And then one would think we would be amending it and debating it and considering it and thinking about it and trying to find out what it actually does.

According to the eight Democratic Senators:

By publicly posting the legislation and its [Congressional Budget Office] scores 72 hours before it is brought to a vote in the Senate and by publishing the text of amendments before they are debated, our constituents will have the opportunity to evaluate these policies. . . . As their democratically-elected representatives . . . it is our duty to listen . . . and to provide them with the chance to respond to proposals that will impact their lives.

Yet, we are presented with it in the middle of a snowstorm on Saturday, we are meeting at midnight, we are voting at 1 a.m. It is being demanded that it be passed, even though most of the provisions, as the Senator from Maine has said, do not even begin to take effect for 4 more years.

What is the rush? I think the rush is that our friends on the other side do not want to explain to 40 million seniors how you can cut \$1 trillion out of Medicare—it is exactly \$470 billion over the next 10 years, but when fully implemented \$1 trillion out of Medicare—and spend it on a new program without reducing Medicare services to 40 million seniors. The Director of the Congressional Budget Office has already said that for the 11 million seniors who are on Medicare Advantage that fully half their benefits will be affected.

I think our friends on the other side do not want the American people to understand why the \$578 billion in new taxes that are going to begin to be imposed next year—they are going to have a hard time explaining how that will create new jobs in America, at a time when we have 10 percent unemployed. New taxes?

They do not want the American people to find out the Director of the Congressional Budget Office said that if we put those new taxes on insurance providers, on medical devices, almost all of those taxes will be passed on to the consumers and, as a result, premiums will go up.

There are some very strong words that have been coming from the other side about Republicans saying this bill will actually increase the cost of health care. It is not Republicans who are saying that. Here is what David Brooks of the New York Times said in his analysis of the bill when he gave the reasons for it and the reasons against it this week and came to the conclusion that if he were a Senator he would vote against it. Mr. Brooks said:

The second reason to oppose this bill is that, according to the chief actuary for