

## 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

Medicare, it will cause national health care spending to increase faster.

That is right, we are going to raise taxes, cut Medicare, send a big bill to the States—all for what? “ . . . according to the chief actuary for Medicare, it will cause national health care spending to increase faster.” So if you are paying X for premiums, you are going to be paying more as a result of this bill.

Continuing, David Brooks said:

Health care spending is already zooming past 17 percent of [our gross domestic product] to 22 percent and beyond.

Then it is going to be hard to explain to the 9 million people who the Congressional Budget Office letter said would lose their employer insurance under this bill why that will happen. Of course, it will happen because under the bill as a whole, as employers look at the mandates and the costs, many will decide not to offer health insurance, and so those employees will find themselves either in Medicaid, the program for low-income Americans—into which 15 million more Americans are going; a program for which 50 percent of doctors will not see new Medicaid patients; it is like giving you a ticket to a bus when the bus only runs half the time—that is where many of these Americans will go, or they will go into the individual market, and the individual market will have higher premiums.

The other side says: Ah, but there will be subsidies for some of you. But the premiums are going to be higher, the health care costs are going to be higher.

The majority does not want to explain why this bill changes the bipartisan agreement not to have Federal funding for abortion that has been agreed to since 1977.

They do not want to take time for the American people to understand the CLASS Act, the long term insurance act, a new entitlement which sounds wonderful, but the Democratic chairman of the Budget Committee described it as a Ponzi scheme worthy of Bernie Madoff. That is because the amount of money that would be paid in, if a person pays a premium of \$2,880 per year for 5 years, would be \$14,000, and then they would have a \$1,500 monthly benefit for a long time after that.

It is obvious why the majority has cooked up this amendment in secret, has introduced it in the middle of a snowstorm, has scheduled the Senate to come in session at midnight, has scheduled a vote for 1 a.m., is insisting it be passed before Christmas, because they do not want the American people to know what is in it.

It is a deeply disappointing legislative result. But our friends on the Democratic side seem determined to pursue a political kamikaze mission toward a historic mistake, which will be bad for the Democrats, I am convinced, but, unfortunately, even much worse for our country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, as we approach in less than an hour a very important vote—some have called it historic, some call it pivotal; it has been given various adjectives and adverbs—I think it might be appropriate to discuss for a minute or two how this all began.

It all began in the Presidential campaign. I do not like to spend much time recalling it. But health care was a big issue in the Presidential campaign. On October 8, 2008, less than a month before the election, then-Candidate Obama said, concerning health care reform:

I'm going to have all the negotiations around a big table. . . . What we'll do is we'll have the negotiations televised on C-SPAN, so that people can see who is making arguments on behalf of their constituents and who are making arguments on behalf of drug companies—

Keep that in mind: the drug companies—

or the insurance companies.

That was the statement made by then-Senator/Candidate Obama. What we have is a dramatic departure. There has never been a C-SPAN camera. There has never been a negotiation, a serious negotiation between Republicans and the other side. There has never been. I say that with the knowledge of someone who has negotiated many times across the aisle on many agreements. So don't stand and say there were serious negotiations between Republicans and Democrats. There never were.

But there were negotiations with the special interests, with PhRMA, the same ones the President said he was going to see who the American people were on the side of. Clearly, this administration and that side of the aisle was on the side of PhRMA because they got a sweetheart deal of about \$100 billion that would have been saved if we had been able to reimport prescription drugs. The AARP has a sweetheart deal. There is a provision in this deal for them, plans that Medigap insurance sold by AARP are exempt from tax on insurance companies. The AMA signed up because of the promise of a doc fix. Throughout we should have set up a tent out in front and put Persian rugs out in front of it. That is the way this has been conducted.

Of course, after the special interests were taken care of, then we had to take care of special Senators. One deal is called—we have new words in our lexicon now—the Louisiana purchase, the corn husker kickback. I have a new name: the Florida flimflam, the one that gives the Medicare Advantage members in Florida the benefit, but my constituents in Medicare Advantage don't get it.

So in answer to this, in answer to a question today, the majority leader said:

A number of States are treated differently than other States.

Really?

A number of States are treated differently than other States. That is what legislation is all about. That is compromise.

Where is that taught? Where is that taught?

A number of States are treated differently than other States. That is what legislation is all about. That is compromise.

My friends, that is not what the American people call governing. That is called exactly an opposite contradiction of what the President of the United States said, where he says:

We will have negotiations televised on C-SPAN so that people can see who is making arguments.

I see the leader from Illinois over there. Just a few days ago, I said: What is in the bill?

The Senator from Illinois said: I don't know. I am in the dark too. I can give him his own quote.

So here we are, as the Senator from Tennessee said, in the middle of the night, and here we are, my friends, about to pass a bill with 60 votes. Sixty votes represent 60 percent of this body, but I can assure my friends on the other side of the aisle it doesn't represent 60 percent of the American people. In fact, 61 percent of the American people, according to a CNN poll, say they want this stopped. They disapprove of it. I guarantee you, when you go against the majority opinion of the American people, you pay a heavy price, and you should.

I will tell my colleagues right now that when you—this will be, if it is passed—and we are not going to give up after this vote, believe me. For the first time in history, for the first time in history, there will be a major reform passed on a party-line basis. Every reform—and I have been part of them—has been passed on a bipartisan basis. This will be a strict party-line basis.

I was thinking today about this vote, and I was thinking about other times and other examples I have had of courage or lack of or the fact that in the face of odds, you have to stand for what you believe in. I thought about back when I first entered the U.S. Naval Academy at the young age of 17. One of the first things they told us about in our learning of naval traditions was about a battle that took place early in the Revolutionary War. An American ship run by a captain engaged a British ship, the mighty British Navy. The American ship was outgunned and was outmanned. As they came together in mortal combat, with dead and dying all around, the British captain said: Do you surrender? The captain, John Paul Jones, said: I have not yet begun to fight.

I tell the American people: We are going to go around this country. We are going to the townhalls, we are going to the senior centers, we are going to the rotary clubs. We are going to carry this message: We will not do this. We will not commit generational

theft on future generations of Americans. We will not give them another \$2½ trillion in debt. We will not give them an unfair policy where deals are done in back rooms, and we—all of us on this side of the aisle—will stand for the American people, and we have just begun to fight.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, for the last several weeks, all we have heard from the other side is attack, attack, attack. All we have heard from the other side is no, no, no. They keep talking. I just heard the Senator from Arizona saying this is not a bipartisan bill. I have heard so much talk on the other side in the last several weeks about how this should be bipartisan. Well, let's look at that for a second.

As I see it, the Republicans have no bill of their own. Our bill has 60 Democrats, a supermajority, a supermajority. Well, I guess there is a bill over there. It is the Coburn-Burr bill. It has seven cosponsors. That is it. That is it. Nothing else. Not all the Republicans are supporting it. My friends on the other side are all over the place. They can't even agree among themselves what they want to do. They have no comprehensive bill as we have come up with.

So I keep hearing that we Democrats are not bipartisan, but whom do we deal with? Just the Senator from Arizona? Just the Senator from Tennessee? How about the Senator from Oklahoma or the Senator from South Carolina? So I am sorry. I feel sorry the Republicans are all split up. They have not done their own homework to pull their own Senators together for something positive. So what they have done is they pulled together to say no, to try to kill the reform bill we have worked so hard on all year.

We extended a hand. If we had wanted to ace out the Republicans, we would have followed their lead on what they did in 2001, when they rammed through that tax cut for the wealthy. They did it on reconciliation so we couldn't filibuster it, so we couldn't have any debate on it. That is what they did. We didn't do it that way.

President Obama said we want to hold out the olive branch. We want to work with Republicans, so that is what we tried to do. Under the leadership of Senator DODD on our committee, we had numerous meetings with Republicans. We had a markup session that lasted 13 days 54 hours. We accepted 161 of their amendments and, in the end, everyone on the Republican side voted against it.

Senator BAUCUS bent over backward, week after week. He not only went the extra mile, he went the extra 100 miles to try to get Republicans to work with him on this bill. In the end, only one Republican would vote for the bill out of committee.

So that is what we have. I am sorry to say my friends on the other side are

in total disarray. They have nothing they can agree on. Well, we have something we have agreed on. Sixty, a supermajority, have agreed on moving a bill forward, a pivotal point in our history, in a decades-long march toward comprehensive health reform. It has alluded Congresses and Presidents going back to Theodore Roosevelt.

My friends on the other side defend the status quo. They want us to vote our fears—fear, fear, fear. Everything you hear, it seems, on the other side is fear. Be afraid. Well, it is not going to work this time because what the American people want is not fear, they want hope. They want the hope they will have the health care they need when they have to have it at a price that is affordable. They want to have the peace of mind and security of knowing that their children, if they have a pre-existing condition, will be covered by health insurance. They want to have the peace of mind of knowing that if they lose a job, they don't lose their health insurance. The American people want the hope and the security of knowing that if they get ill, they will not be dropped by their insurance company. They want the hope and the security to know they aren't just one illness away from bankruptcy.

We are the only country in the world—the only one—where people can go bankrupt because they owe a medical bill. No other country would allow that to happen. We are the only one. This bill is going to stop that. People will not have to fear going bankrupt because someone in their family got a chronic illness or a disease that is going to cost a lot of money. The American people want us to move forward, and we are going to do it tonight at 1 o'clock. We are going to move forward. We are not going to vote fears, we are going to vote hope.

We are going to tell the American people we are going to do three big things. First of all, we are going to cover 94 percent of Americans with health insurance—94 percent. Thirty-one million people out there without health insurance are going to get health insurance.

Secondly, we are going to crack down on the abuses of the insurance companies. No more cancelling your policy just because you got sick. No more lifetime caps which basically cause more and more people to go into bankruptcy. No more of those lifetime caps. We are going to make sure your kids can stay on your policy until they are age 26. We are going to do away with all these preexisting condition clauses next year for children, up to age 18, and then for everyone later on after we get the exchanges set up.

Insurance companies will not be able to rescind your policy or drop you because you got cancer or heart disease. If you are a person out there who has your own health insurance policy right now and you like it, you can keep it. But guess what this bill will do. It will lower your premiums, and it will im-

prove your coverage if you want to keep your own health insurance that you have right now.

Every year, about 45,000 Americans die in this country because they have no health insurance. Johns Hopkins did a study and said that children who have no health insurance are 60 percent more likely to die because of hospitalizations than kids who have health insurance coverage. It is a moral disgrace. The health insurance policies of America, what we have right now is a moral disgrace. You can talk to people from other countries, our closest allies, our closest friends who share so many of our values, and when they find out about our health care system, they say: How can you put up with it? This is disgraceful. You are the leader of the free world. You are supposed to set the example. And what a terrible example we have set in health care, what a terrible example.

Well, we have finally arrived at one of the most significant moments in the history of the Senate, one of the most significant. Our former chairman, Senator Ted Kennedy, fought all his life for national health insurance, and years ago, back in the 1960s, said health care ought to be a right, not a privilege.

He said that over 40 years ago, almost 50 years ago, that health care should be a right and not a privilege. It was always his highest priority. It was his great dream of an America where quality, affordable health care is that right. He thought of it as a moral imperative—a moral imperative. A lot of times, we lose that. We hear a lot of debate about how much this is, who is going to lose this, all these scare tactics. We see all these numbers and all that kind of stuff. We forget the essence of it. It is a moral imperative. We are called upon to right a great injustice, a great wrong that has been put upon the American people for far too long. It is a moral imperative that confronts us now that we will vote on in half an hour. We are closer than we have ever been to making Ted Kennedy's dream a reality.

A lot of people have worked very hard on this bill. I mentioned Senator BAUCUS. I mentioned Senator DODD; Senator REID, our leader, the amount of hours he has spent and the days he has spent here without his family, without going home, being here all the time working; our assistant leader, Senator DURBIN. So many people have worked so hard on this bill. We have had so much input. Everyone has had input on this bill. Our Republican friends have had input on this bill. They had it in our committee. As I said, we accepted 161 amendments. So I guess you can say this bill has a lot of authors. But there is really only one author of this bill—Senator Ted Kennedy. It is his bill because it does get us the start.

To my friends, I say this is not the end of health care reform, it is the beginning. But we must make this beginning in order to fulfill that dream and

really make health care a right, not a privilege.

In half an hour, let's make history. The other side says fear. We say hope. The other side says no. We say yes. We say yes to progress, yes to people, yes to health care as an inalienable right of every American citizen.

I yield the floor.

Mr. CORNYN. Parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, earlier today Senator GRASSLEY raised a parliamentary inquiry on rule XLIV of the Standing Rules of the Senate. As my colleagues recall, this was a rule that the Senate passed pursuant to the Honest Leadership and Open Government Act of 2007. The question had to do with whether the managers' amendment we are getting ready to vote on complied with rule XLIV's earmark disclosure requirement. At the time, the Chair indicated that the disclosure list was not submitted at the time. That was 6 p.m. today.

My inquiry is this: Is the Chair aware of the disclosure list being made available as required by rule XLIV now as we vote in the next 30 minutes?

The ACTING PRESIDENT pro tempore. The Chair is not aware at this time whether that statement has been made.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I wish to take a few minutes in closing, if I may.

I spoke earlier this evening about the importance of the moment we have all come to appreciate, I believe, a moment that has been years in the making, dating back, as all have pointed out or most have pointed out who spoke in favor of this legislation, to the early part of the last century with Theodore Roosevelt, a former Republican, who first advocated the notion of a national health care system in our Nation. Franklin Roosevelt picked up that challenge, and Harry Truman, of course, was the one who articulated it in specific terms.

It was 69 years ago this very month that Franklin Roosevelt identified the four freedoms: freedom of religion, freedom of speech, the freedom from want, and the freedom from fear. It is that last freedom that Franklin Roosevelt talked about in December of 1941 that is deserving of our attention in these closing minutes.

Whatever else one may argue about the specifics of this bill, it is that fear that so many of our fellow citizens have over whether they will be confronted with a health care crisis and have the resources to address it and the ability to have a doctor, a physician, a health care provider, a hospital to provide them with that kind of help when they need it. That fear is not just for those without health care; it is even for those who have health care insurance. That fear persists.

This evening, more than anything else, beyond the specifics of the legislation in front of us is our desire to address that freedom from fear that was addressed so eloquently almost 70 years ago. So this evening we attempt, anyway, to begin that journey of eliminating those fears so many of our fellow citizens have over the loss or inability to acquire that kind of health insurance or the inability to have a doctor.

So we are poised to make a monumental vote on legislation that finally makes access to quality health care a right for every American. If you do not believe it is a right, that it is only a privilege, then I suppose you could come to a different conclusion. And there are those, I guess, who believe it is a privilege to have access to health care as an American citizen. Those of us on this side of the aisle believe it is a right, and as a right, you ought not to be denied that right based on economic circumstances, your gender, or your ethnicity in this Nation. You ought to have access to health care as a fundamental right in our Nation.

Obviously, we need to participate, engage in responsible activities that will make sure we contribute to the well-being of all our Nation to reduce the cost of health care.

This is a comprehensive bill. It has been more than just a year specifically on this effort but goes back 40 or 50 years in terms of drafting, and efforts have been made to achieve what we are trying to achieve this evening.

At the end of the day, however, this legislation is really about freedom from fear, as I said a moment ago. The bill frees Americans from the fear that if they lose their job, they will never find insurance coverage again. The bill frees Americans from the fear that they might get sick and be unable to afford the treatment they need. And the bill frees Americans from the fear that one illness, one accident could cost them everything they built—their homes, their retirement, their life savings.

In a nation founded on freedom and sustained by unimaginable prosperity, as I mentioned before, this bill is long overdue and critically important. No American can be free from fear when getting sick could mean going broke.

This fight is older than most of us who serve in this body. Our path has been illuminated by a torch lit years ago in the days of Harry Truman and sustained for decades by good people, Republicans and Democrats—the Nixon administration, the Clinton administration, Members such as John Chafee, who worked tirelessly in trying to craft a good health care bill. We heard others talk about the regrets they had not acknowledging his ideas when he proposed them or we might have been able to address this issue years ago. Good people have tried to come up with some answers to this issue. It is with a note of sadness this evening that we are going to have a partisan vote on this matter. I wish it was otherwise.

I would like to point out that many of us have fought and challenged us to come up with these answers, but tonight this is our answer, the 60 of us who will vote to go forward with this bill. As Senator HARKIN just pointed out, it is hardly the final answer on this matter, but it allows us to begin that process of addressing these issues in a more thoughtful and comprehensive way in the years ahead.

Of course, no one was a better champion of all of this, as Senator HARKIN pointed out, than our deceased and beloved colleague from Massachusetts, Senator Ted Kennedy. He fought these battles for so many years. He understood that you could never solve all of these issues in one fell swoop. It was going to take an incremental approach to get us there.

I can guarantee that if he read this bill, there would be disappointments he would have in it. I knew him well enough to say that this evening. If he had written it on his own, he would have written it differently. Were he here among us this evening, he would urge all of us to move forward on this bill to address it, to vote for it, to allow this Nation to begin to grapple with this issue that should have been solved more than 50 years ago.

So this evening, again, as we come down to the final minutes of this debate, let's remind ourselves that history will judge us well for taking up this challenge once again and asking ourselves to give Americans the opportunity to live free from those fears they have this very evening. And tonight, we begin to alleviate those fears.

I urge my colleagues to support this effort.

I yield the floor.

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

Mr. MCCONNELL. Mr. President, tonight marks the culmination of a long national debate. Passions have run high, and that is appropriate because the bill we are voting on tonight will impact the life of every American. It will shape the future of our country. It will determine whether our children can afford the Nation they inherit. It is one of the most consequential votes any of us will ever take, and none of us take it lightly. But make no mistake, if the people who wrote this bill were proud of it, they would not be forcing this vote in the dead of night.

Here are just some of the deals we have noticed: \$100 million for an unnamed health care facility at an unnamed university somewhere in the United States. The bill does not say where and no one will even step forward to claim it. Mr. President, 1 State out of 50—1 State out of 50—gets to expand Medicaid at no cost to itself while taxpayers in the other 49 States pick up the tab. The same Senator who cut that deal secured another one that benefits a single insurance company—just one insurance company—in his State. Do the supporters of the bill know

this? I say to my colleagues, do you think that is fair to all of your States? What about the rest of the country?

The fact is, a year after the debate started, few people would have imagined this is how it would end—with a couple of cheap deals—a couple of cheap deals—and a rushed vote at 1 o'clock in the morning. But that is where we are. And Americans are wondering tonight: How did this happen? How did this happen? So I would like to take a moment to explain to the American people how we got here, to explain what has happened and, yes, what is happening now.

Everyone in this Chamber agrees we need health care reform. Everybody agrees on that. The question is how. Some of us have taken the view that the American people want us to tackle the cost issue, and we proposed targeted steps to do it. Our friends on the other side have taken the opposite approach, and the result has been just what you would expect. The final product is a mess—a mess. And so is the process that has brought us here to vote on a bill that the American people overwhelmingly oppose.

Any challenge of this size and scope has always been dealt with on a bipartisan basis. The senior Senator from Maine made that point at the outset of the debate and reminded us all of how these issues have typically been handled throughout our history. The Social Security Act of 1935 was approved by all but six Members of the Senate. The Medicare Act of 1965 only had 21 dissenters, and the Americans with Disabilities Act in 1990 only had eight Senators who voted no.

Americans believe that on issues of this importance, one party should never be allowed to force its will on the other half of the Nation. The proponents of this bill felt differently.

In a departure from history, Democratic leaders put together a bill so heavy with tax hikes, Medicare cuts, and government intrusion that, in the end, their biggest problem wasn't convincing Republicans to support it, it was convincing the Democrats.

In the end, the price of passing this bill wasn't achieving the reforms Americans were promised, it was a blind call to make history, even if it was a historical mistake, which is exactly what this bill will be if it is passed. Because in the end, this debate isn't about differences between two parties, it is about a \$2.3 trillion, 2,733-page health care reform bill that does not reform health care, and, in fact, makes the price of it go up.

"The plan I am announcing tonight," the President said on September 9, "will slow the growth of health care costs for our families, our businesses and our government. My plan," the President said, "would bring down premiums by \$2,500 for the typical family. I will not sign a plan that adds a dime to our deficit," the President said, "either now or in the future." And on taxes, "No family making less than

\$250,000 a year will see any form of tax increase," he said.

He said he wouldn't cut Medicare. He said people who liked the plans they have wouldn't lose their coverage, and Americans were promised an open and honest debate. "That is what I will do in bringing all parties together," then-Senator Obama said on the campaign trail, "not negotiating behind closed doors, but bringing all parties together and broadcasting these negotiations on C-SPAN."

Well, that was then and this is now. But here is the reality. The Democratic bill we are voting on tonight raises health care costs. That is not me talking, it is the administration's own budget scorekeeper. It raises premiums. That is the nonpartisan Congressional Budget Office talking. It raises taxes on tens of millions of middle-class Americans, and it plunders Medicare by \$1/2 trillion. It forces people off the plans they have, including millions of seniors. It allows the Federal Government, for the first time in our history, to use taxpayer dollars for abortions.

So a President who was voted into office on the promise of change said he wanted to lower premiums. That changed. He said he wouldn't raise taxes. That changed. He said he wanted lower costs. That changed. He said he wouldn't cut Medicare. And that changed too.

And 12 months and \$2.3 trillion later, lawmakers who made these same promises to their constituents are poised to vote for a bill that won't bend the cost curve, that won't make health care more affordable, and it will make real reform even harder to achieve down the road.

I understand the pressure our friends on the other side are feeling, and I don't doubt for a moment their sincerity. But my message tonight is this: The impact of this vote will long outlive this one frantic snowy weekend in Washington. Mark my words: This legislation will reshape our Nation, and Americans have already issued their verdict: They do not want it. They do not like this bill, and they do not like lawmakers playing games with their health care to secure the votes they need to pass it.

Let's think about that for a moment. We know the American people are overwhelmingly opposed to this bill, and yet the people who wrote it will not give the 300 million Americans whose lives will be profoundly affected by it as much as 72 hours to study the details. Imagine that. When we all woke up yesterday morning, we still hadn't seen the details of the bill we are being asked to vote on before we go to sleep tonight.

When we woke up yesterday morning, we still hadn't seen the details of the bill we are going to be asked to vote on before we go to sleep tonight.

How can anybody justify this approach, particularly in the face of such widespread and intense public opposi-

tion? Can all of these Americans be wrong? Don't their concerns count?

Party loyalty can be a powerful force. We all know that. But Americans are asking the Democrats to put party loyalty aside tonight, to put the interest of small business owners, taxpayers, and seniors first.

And there is good news: It is not too late. All it takes is one—just one. All it takes is one. One can stop it. One can stop it or everyone will own it. One can stop it or every single one will own it.

My colleagues, it is not too late.

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

MR. REID. Mr. President, all over this great country of ours, people are dying soon—far too soon. More and more Americans who come down with the flu, develop diabetes, or suffer a stroke are dying far earlier than modern science says they should die. More and more Americans who contract skin cancer or have a heart condition are dying rather than being cured.

Pull out the medical records of these patients and the official forms will tell you they died from complications of disease or maybe some surgery. But what is really killing more and more Americans every day are complications due to our health care system.

Much of our attention this year has been consumed by this health care debate. A national study done by Harvard University found that 45,000 times this year, nearly 900 times every week, more than 120 times every day, on average every 10 minutes, on end, an American died as a result of not having health insurance. Every 10 minutes. The numbers are numbing, and they don't even include those who did have health insurance but who died because they couldn't afford a plan that met their most basic needs.

This country—the greatest and richest the world has ever seen—is the only advanced Nation on Earth where dying for lack of health insurance is even possible. To make matters worse, we are paying for that privilege. The price of staying healthy in America goes up, it goes up, it goes up and, not surprisingly, so do the numbers of Americans who can't afford it. In fact, medical bills are the leading cause of bankruptcy in America. And the second choice is way down the list—it is medical bills.

That is why we are here. Just as we have the ability to prevent diseases from killing us too soon, we have before us the ability to provide quality health care to every American. We have the ability to treat our unhealthy health care system. That is what this historic bill does. It protects patients and consumers. It lowers the cost of staying healthy and greatly reduces our debt.

This landmark legislation protects America's youngest citizens by making it illegal for insurance companies to refuse to cover a child because of a pre-existing condition.

It protects America's oldest citizens by strengthening Medicare and extending its life for almost a decade. We are also taking the first steps to closing the notorious loophole known as the doughnut hole that costs seniors thousands of dollars each year for prescription drugs. These are some of the reasons the AARP—the American Association of Retired People—and its 40 million Americans are supporting this bill.

Contrary to what we heard from my distinguished friend, the Republican leader, premiums are reduced by 93 percent. Ninety-three percent of people who have insurance will have reduced premiums.

This effort also strengthens our future by cutting our towering national deficit by as much as \$1.3 trillion over the next two decades. What my distinguished Republican counterpart is saying is without basis in fact. These aren't numbers that I came up with, these are numbers that the Congressional Budget Office came up with—\$1.3 trillion. That is trillion with a "t." It cuts the deficit more sharply than anything Congress has done in a long time. It lowers costs. I have talked about Medicare.

My friend, the Republican leader, said it is going to reshape our Nation. That is why we are doing it. That is why we are doing this. We want to reshape the health care delivery system in our country. Is it right that America has 750,000 bankruptcies a year, about 80 percent of them caused by health care costs, and 62 percent of the people who have filed bankruptcy have health care costs? We are reshaping the Nation. That is what we want to do. That is what we have to do.

With this vote, we are rejecting a system in which one class of people can afford to stay healthy while another cannot. It demands for the first time in American history good health will not depend on great wealth. Good health should not depend on how much money you have. It acknowledges, finally, that health care is a fundamental right, which my friend Senator HARKIN spoke about so clearly—a human right—and not just a privilege for the most fortunate.

President Johnson, former majority leader of the Senate, signed Medicare into law when he was President, with the advice: "We need to see beyond the words to the people they touch." That is just as true today as it was 44 years ago when he signed that legislation.

This is not about partisanship or about procedure. And everyone knows we are here at 1 o'clock in the morning because of my friends on the other side of the aisle. For them to say with a straight face—and I know some of them didn't have that straight face—that we are here because of us is without any foundation whatsoever. And everyone knows that.

This is not about politics. It certainly is not about polling. It is about people. It is about life and death in America. It is about human suffering.

Given the chance to relieve the suffering, we must.

Citizens in each of our States have written to tell us they are broke because of our broken health care system. Some have sent letters with even worse news—news of grave illness and preventable death. For weeks, we have heard opponents complain about the number of pages in this bill, but I prefer to think of this bill in terms of the people it will help.

A woman named Lisa Vocelka, who lives in Gardnerville, NV—a beautiful city below the Sierra Nevada mountains—lives with her two daughters, both of whom are in elementary school. The youngest suffers seizures. Her teachers now think she has a learning disability.

Because of her family history, Lisa, the girl's mom, is at high risk of cervical cancer. Although she is supposed to get an exam every 3 months, she doesn't go. She is lucky if she goes once a year, and most of the time she is not very lucky. When Lisa lost her job, she lost her health coverage. Now both Lisa and her daughter miss the tests and preventive medicine that could keep them healthy. Her long letter ended with a simple plea. It was: "We want to be able to go to the doctor."

That is why this bill will ensure all Americans can get the preventive tests and screenings they need. I am voting yes because I believe Lisa and her daughter deserve to be able to go to the doctor.

A teenager named Caleb Wolz is a high school student from Sparks, NV. Like so many students, he used to play soccer when he was younger. Now he sticks to skiing and rock climbing. You can forgive him, I am sure, for giving up soccer. You see, Caleb was born with legs that end above his knees.

As children mature, even Caleb, they grow out of their clothes. Most kids grow out of their shoes. Caleb doesn't. A lot of kids probably get a new pair every year but Caleb has needed a new pair of prosthetic legs every year since he was 5 years old. Unfortunately and unbelievably, Caleb's insurance company has decided it knows better than his doctor and has decided Caleb doesn't need those legs. That is why this bill will make it illegal for those insurance companies to use preexisting conditions as an excuse for taking our money but not giving coverage.

This is a big change. But isn't it a good change? I am voting yes because I believe Caleb deserves a set of prosthetics that fit.

Ken Hansen wrote to me from Mesquite, NV, a town on the border of Nevada, Utah, and Arizona. He has chronic heart problems and parts of his feet have been amputated but Ken can't go to the doctor because he makes too much to qualify for Medicaid and too little to afford private insurance. I share with the Senate exactly what Ken wrote me:

I am very frustrated because it seems my only hope is that I die very soon, because I cannot afford to stay alive.

That is why this bill will expand Medicaid to cover people like Ken from Mesquite, NV, who are caught in the middle. I am voting yes because when someone tells me his only hope is to die, I think we have to take a close look at that. I can't look away. I cannot possibly do nothing.

A man by the name of Mike Tracy lives in North Las Vegas. His 26-year-old son has been an insulin-dependent diabetic since he was a baby. The insurance Mike's son gets through work will not cover his treatments and the Tracys can't afford to buy more insurance on their own. But his family's troubles are about more than just money. Since they couldn't afford to treat his diabetes, it developed into Addison's disease—which of course they can't afford to treat either. It could be fatal.

This is what he wrote to me 2 weeks ago:

I don't know what to pray for first: that I will die before my son will so I don't have to bear the burden, or that I outlive him so I can provide support to his family when he is gone.

Quite a set of prayers. This should not be a choice any American should have to make. It should not be a choice any father or mother should have to make—and when given the chance to help people like Mike, our choice should be very easy.

That is what this legislation is all about. These are hard-working citizens with heartbreak stories. They are people who played by the rules and simply want their insurance company to also do the same. They are not alone. These tragedies do not happen only to Nevadans. They don't happen only to people who, despite all their pain, find time to write their leaders in Congress. These tragic events happen to people on the east coast, the west coast, and everywhere in between. These tragedies happen to Americans in small towns and in big cities. These tragedies happen to citizens on the left side of the political spectrum and on the right side. As Mike Tracy wrote in his powerful letter about his son:

Democrats need health care. Republicans need health care. Independents need health care. All Americans need health care.

Get it done.

He is right. Every single Senator, every one of us, comes from a State where these injustices happen every single day. Every single Senator represents hundreds, thousands of people who have to choose between paying an electricity bill or a medical bill; between filling a doctor's prescription or—well, maybe just hoping for the best—between their mother's chemotherapy treatment and their daughter's college tuition.

As I mentioned earlier, on average an American dies from lack of health insurance every 10 minutes. That means in the short time I have been speaking our broken system has claimed at least two lives. Another American has died, another American has died—two have died a preventable death, each of them.

So as our citizens face heart-rending decisions every day, tonight every Senator has a choice to make as well. That choice: Are you going to do all you can to avert the next preventable death? I hope so. I urge an aye vote to stop this filibuster.

Mr. President, I advise my Members that in 1984 the Senate adopted a resolution, S. 40, to impose a requirement that Senators vote from their desks. I know we do not do this all the time but I ask tonight we do vote from our desks and follow the rule, S. Res. 40, and have Senators vote from their desks.

#### CLOTURE MOTION

The PRESIDING OFFICER. The motion to invoke cloture having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid amendment No. 3276 to the Reid substitute amendment No. 2786 to H.R. 3590, the Service Members Home Ownership Tax Act of 2009.

Christopher J. Dodd, Richard Durbin, Max Baucus, Paul G. Kirk, Jr., Claire McCaskill, Jon Tester, Maria Cantwell, Barbara A. Mikulski, Mark Udall, Arlen Specter, Sherrod Brown, Mark Begich, Sheldon Whitehouse, Bill Nelson, Roland W. Burris, Kirsten E. Gillibrand, Ron Wyden.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on amendment No. 3276 to the Reid substitute amendment No. 2786 to H.R. 3590, the Service Members Home Ownership Tax Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 385 Leg.]

#### YEAS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

#### NAYS—40

Alexander	Burr	Cornyn
Barrasso	Chambliss	Crapo
Bennett	Coburn	DeMint
Bond	Cochran	Ensign
Brownback	Collins	Enzi
Bunning	Corker	Graham

Grassley	LeMieux	Shelby
Gregg	Lugar	Snowe
Hatch	McCain	Thune
Hutchison	McConnell	Vitter
Inhofe	Murkowski	Voinovich
Isakson	Risch	Wicker
Johanns	Roberts	
Kyl	Sessions	

The PRESIDING OFFICER (Mrs. SHAHEEN). On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Chair announces that because cloture has been invoked, the motion to refer falls.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I would like to thank the employees in the Office of the Secretary of the Senate who read the managers' amendment aloud for more than 7 hours on Saturday, December 19, 2009. They are:

Kathie Alvarez, John Merlino, Mary Anne Clarkson, Scott Sanborn, Leigh Hildebrand, Sheila Dwyer, Adam Gottlieb, Joe Johnston, Elizabeth MacDonough, Ken Dean, Michelle Haynes, Patrice Boyd, William Walsh, Valentin Mihalache, and Cassie Byrd.

The readers represent the offices of the Legislative Clerk, Assistant Secretary of the Senate, Parliamentarian, Bill Clerk, Journal Clerk, Executive Clerk, Daily Digest, Enrolling Clerk, and the Official Reporters of Debates.

#### SENATE PROCEDURE AND THE SANDERS AMENDMENT

Mr. CARDIN. Mr. President, on Wednesday, the junior Senator from Vermont offered his “single-payer” health insurance amendment, amdt. No. 2837, to H.R. 3590. Under rule XV of the Standing Rules of the Senate, an amendment must be read aloud into the RECORD unless its reading is dispensed with by unanimous consent. Such consent is routinely granted but in this instance, the junior Senator from Oklahoma objected so the clerks commenced with reading the 767-page amendment. After several hours passed, Senator SANDERS withdrew his amendment.

Later in the day, the Republican leader came to the floor and complained that “the majority somehow convinced the Parliamentarian to break with the longstanding precedent and practice of the Senate” with regard to the reading of the amendment. He claimed that continued reading of the amendment could not be dispensed with absent consent being granted, suggesting that Senator SANDERS had no right to interrupt the reading to

withdraw his amendment. The Republican leader cited Riddick’s Senate Procedure: Precedents and Practices, pages 43–44, which states, in part:

Under Rule XV, paragraph 1, and Senate precedents, an amendment shall be read by the Clerk before it is up for consideration or before the same shall be debated unless a request to waive the reading is granted; in practice that includes an ordinary amendment or an amendment in the nature of a substitute, the reading of which may not be dispensed with except by unanimous consent, and if the request is denied the amendment must be read and further interruptions are not in order; interruptions of the reading of an amendment that has been proposed are not in order, even for the purpose of proposing a substitute amendment to a committee amendment which is being read.

When an amendment is offered the regular order is it reading, and unanimous consent is required to call off the reading.

A Senator has, at the sufferance of the Senate, reserved the right to object to dispensing with further reading of an amendment.

Later on Wednesday, the senior Senator from Illinois ably addressed the Republican leader’s concerns but I bring the matter up again because I was presiding at the time Senator SANDERS withdrew his amendment and Senator COBURN called for regular order. I received several phone calls afterwards from individuals who claimed that I acted erroneously in permitting Senator SANDERS to withdraw his amendment so I would like to set the record straight.

First of all, before Senator SANDERS withdrew his amendment, I consulted with the Senior Assistant Parliamentarian, who was on the floor while I was presiding. He assured me that a Senator has the right to withdraw an amendment if no action has been taken on it. No action can be taken on an amendment until it is officially pending. An amendment is not officially pending until it has been read into the RECORD or such reading has been waived by unanimous consent.

It is important to understand that while the Presiding Officer, not the Parliamentarian, makes rulings, it would be unusual for him or her to ignore the advice of the Parliamentarian. Martin Gold, who was the senior floor staffer to two former Republican majority leaders, Howard H. Baker, Jr., and William H. Frist, MD, of Tennessee, writes in his definitive book, “Senate Procedure and Practice,” that former Parliamentarian Floyd M. Riddick “claimed that in twenty-five years of advising the presiding officer, the Senate only once voted to overturn him on appeal. He also cites an example of Vice President Alben Barkley ignoring the parliamentarian’s advice, only to be overturned on appeal.” The Parliamentarian is a nonpartisan officer of the Senate. In the 72 years since the position was created, there have been just five Parliamentarians. The Parliamentarian and his staff are experienced professionals. I sought and received the Parliamentarian’s advice on this matter and I followed it, which is how the Senate usually operates.