

months doing townhalls and listening to Nebraskans. They do not want a special deal. No Nebraskan came up to me and said: MIKE, give me a special deal. You see, their request is simple: They want to be able to see the doctor of their choice and to keep the current plan they have. They want our job creators, our small businesses, to get our economy moving and create jobs in our communities from large to small, free of the \$1/2 trillion in taxes and fees this bill will keep on our employers.

The managers' amendment does nothing to change the core problems with this bill. The nearly \$500 billion in Medicare cuts will be devastating to Nebraska. No special deal with an insurance company is going to make Nebraskans feel better about that. No special deal to make the State budget look better is going to make Nebraskans feel any better about the Medicare cuts and the impacts on our hospitals, our nursing homes, our home health care industry, and our hospice industry. Nationally, Governors—Republicans and Democrats—have stepped forward to say they cannot afford the unfunded mandates that come from Washington and drive their budgets into the red.

The special deal struck on abortion is enormously tragic and insufficient. It breaks my heart. This is a far cry from the 30 years of policy by this U.S. Government. You see, when this is done and over, what we will be reporting to our citizens is that taxpayer funds will fund abortions if this bill passes. You see, no watered-down accounting gimmick will convince the pro-life community in my State otherwise. In fact, they have publicly said they feel betrayed.

I will wrap up with this. This bad deal is not sealed. There is time for truly pro-life Senators to stand tall and say no. There is still time for principled Senators to reject the carve-outs and to cast aside the bad backroom deals. There is still time for Senators to listen to the people and reject reckless Federal policy.

Fair treatment is not too much to ask of Washington. I know in my State, that is what they are asking for. I will firmly stand behind any Senator who has the courage to stop this train wreck. I will be the first to lead the applause. I am confident that the standing ovation for that courageous Senator will extend all the way back to Nebraska and it will be deafening.

I yield the floor.

Mr. GRASSLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 2½ minutes.

Mr. GRASSLEY. I would think one of the things we would have seen from the majority at this point is a list of what the last two Senators were talking about, all the earmarks that are in this bill, because I asked for a parliamentary inquiry yesterday—I am not going to ask that again—but, as we said yesterday, rule XLIV was adopted as part of a major ethics and reform legislation, adopted in 2007. It was part of the

Honest Leadership and Open Government Act. The Democratic leadership made it the first bill to be introduced when they took the majority in 2007, taking control of Congress for the first time for a long period of time. This bill passed by unanimous consent.

When rule XLIV was passed, the theory behind it was that we ought to have total transparency on earmarks. It applies to floor amendments such as the pending Reid bill. It requires the sponsor of the amendment to provide a list of earmarks in that amendment.

Earmarks are provisions that provide limited tax benefits. Those words, "limited tax benefits," are words out of the rule. Another substitute language for limited tax benefits is "congressionally-directed spending items" or "earmarks," as they are generally referred to by the public at large.

Given what a priority the new rule passed in 2007 was given and the importance of it, one would expect that the majority leader would be making every effort to comply with it. One would think he would be wanting to set a good example in complying with the rule and disclosing these earmarks. In order to assure transparency of these very narrow provisions, such as what Senator JOHANNS just referred to, to get the votes of specific Members of the majority party who probably would not have voted for this bill, you would think that ought to be made public. That is what rule XLIV is about. Of course, that burden under that rule is on the sponsor to provide the list.

Once again, I am going to ask the Democratic leadership to comply with the Honest Leadership and Open Government Act.

The PRESIDING OFFICER. The time for the minority has expired.

The Senator from Montana.

#### THE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following bills: Calendar Nos. 235 through 242; that the bills be read a third time and passed en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to these matters be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object. I don't know what this is all about. Has this been cleared with our side?

Mr. BAUCUS. These are post office bills.

Mr. GRASSLEY. I withdraw my objection.

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

The Senate proceeded to consider the bills.

#### 1ST LIEUTENANT LOUIS ALLEN POST OFFICE

The bill (H.R. 2877) to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieu-

tenant Louis Allen Post Office", was ordered to a third reading, read the third time, and passed.

#### COACH JODIE BAILEY POST OFFICE BUILDING

The bill (H.R. 3072) to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building", was ordered to a third reading, read the third time, and passed.

#### ARMY SPECIALIST JEREMIAH PAUL McCLEERY POST OFFICE BUILDING

The bill (H.R. 3319) to designate the facility of the United States Postal Service located at 440 South Gulling Street In Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building", was ordered to a third reading, read the third time, and passed.

#### PATRICIA D. McGINTY-JUHL POST OFFICE BUILDING

The bill (H.R. 3539) to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building", was ordered to a third reading, read the third time, and passed.

#### CLYDE L. HILLHOUSE POST OFFICE BUILDING

The bill (H.R. 3667) to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building", was ordered to a third reading, read the third time, and passed.

#### W. HAZEN HILLYARD POST OFFICE BUILDING

The bill (H.R. 3767) to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building", was ordered to a third reading, read the third time, and passed.

#### CORPORAL JOSEPH A. TOMCI POST OFFICE BUILDING

The bill (H.R. 3788) to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building", was ordered to a third reading, read the third time, and passed.

#### JOHN S. WILDER POST OFFICE BUILDING

The bill (H.R. 1817) to designate the facility of the United States Postal

Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building", was ordered to a third reading, read the third time, and passed.

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

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 20 minutes to the chairman of the HELP Committee, Senator HARKIN, and 18 minutes to the Senator from Colorado, Senator BENNETT.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I guess I can say we crossed the Rubicon last night at 1 o'clock. Reading some of the press reports, of course, most of the news didn't have it because it occurred at 1 a.m. Some of the different reports have been online this morning. It occurred to me that a lot of people are missing the overall importance of what happened last night. We can get into the fine tuning and the nitpicking and sort of the fear and the anger I hear from the other side. Every time I listen to speeches over there, with the exception of the last speaker, almost all the speeches I hear from the other side, it is fear, be afraid, be afraid. It is some built-up anger over there. I think what happened last night is, we crossed a demarcation line, the demarcation line of which on one side health care is a privilege. We have been on that side of the line for a long time. On the other side of that line, health care is a right. We stepped across that line last night. We are now in the process of saying health care is a right, an inalienable right of every American citizen.

Is that what so upsets my friends on the Republican side? I don't know. Something is upsetting them. Because this is a momentous change we are doing.

I keep hearing from Republicans they want us to deal in a bipartisan way. We tried all this year, both in the HELP Committee and in the Finance Committee. Senator BAUCUS bent over backward to accommodate. But at every turn, Republicans said no, no, no, no, no—all year long. How can you be bipartisan when the other side has nothing to offer? There is no bill on the Republican side. There is a bill. It has about nine cosponsors—Senator COBURN, Senator BURR, maybe seven others, but not every Republican is on that. I hear bits and pieces of this and that every time I hear these speeches. Most of it is attacking what we have done. I hear nothing positive from their side. It is very hard to deal with a party that is in total disarray as the Republicans are. If they had a bill they were supporting and that was supported by all of them, such as the bill we have here which is supported by 60 Democrats, I think then you could find some reason for meeting and working things out. But since there is no one on

that side who has a comprehensive proposal, it is hard to do that. We have had to kind of plow ahead as best we can. We have not done this alone. In our committee, we met for 13 days. We had 54 hours of markup. No amendment was denied. Republicans offered over 200 amendments. We adopted 161 of them. That is pretty good. Yet in the end, every Republican voted against it. So it is not as if we didn't try and we didn't hold out an olive branch to work with people to get a bill that was truly bipartisan. We did in our committees, both the Finance and HELP Committees. Now it has come down to fear and anger on the other side and some nitpicking.

My friend from Iowa—and he is truly my friend—was talking about some provisions put in the bill for special reasons and so forth. I admit fully and openly that I was part of that. Did I put something in the bill that was sort of particular to my State of Iowa? Yes, I did. But it doesn't just affect Iowa. There are several States in which we have hospitals that are not as big as the big hospitals with the volume. They are not so small that they are low-volume hospitals that get help. They are kind of in between. They call them tweener hospitals. We have eight of them in Iowa: at Grinnell, Keokuck, Spencer Municipal, in Carroll, St. Anthony Regional; Muscatine; Fort Madison; and Lake Regional Hospital at Spirit Lake. There are a number of these in the United States. I forgot the total number; not a large number, they just fall in a place where they are too small for the big and too big for the small. As a result, they have been getting a bad deal from Medicare reimbursement. There is a fix in this bill that will allow them to get adequate reimbursement. I don't see anything wrong with that. It is fixing a specific problem that the bureaucracy can't seem to quite get fixed. That is in the bill. I make no bones about having put that in there. I think it is a good deal. It is something that is going to help a lot of hospitals, not only in Iowa but a few other States.

One of the things I wish to talk about today is something I have been on for many years, and that is the huge amount in this bill on prevention and wellness. It has not been written about a lot. People have been focused on the public option and the abortion issue and a few other items such as that. Perhaps one of the most profound parts of this bill and the one I believe will do more to bend the cost curve, as they say, than any other single thing is the provisions dealing with prevention and wellness. In the past I have said many times that we don't have a health care system in America. We have a sick care system. When you think about it, if you get sick, you get care. But precious little is spent out there to keep one healthy in the first place. So people get sick. You go to the doctor, the hospital. We patch and fix and mend and try to make them well.

Your mother was right, you know: Prevention is worth a pound of cure. We have fallen far short of that in this country. There is a remarkable array of provisions in this bill that promote wellness, disease prevention, and public health. Together they will move us from a sick care society into a genuine wellness society, into a true health care system, not just sick care. What better way to reform our health care system than to restrain health care costs by helping Americans to prevent chronic diseases, stay healthy and out of the hospital in the first place. Right now, as we have heard so many times, we spend more than \$2 trillion each year on sick care. But 4 cents of every dollar is invested in prevention and public health. I submit this is a major reason why Americans spend twice as much per capita on health care as European countries, but we are twice as sick with chronic disease. We spend twice as much as Europe on health care, but we are twice as sick with chronic diseases.

The good news is that by ramping up the emphasis on wellness and prevention, we have tremendous opportunities to both improve the health of the American people and to restrain health care spending. That is the aim of this bill which makes significant new investments in prevention. For example, our bill would ensure that seniors have access to free annual wellness visits and personalized prevention plans under Medicare. We have never had that. For the first time seniors will have access to free annual wellness visits and personalized prevention plans under Medicare. That is a big deal. So many seniors today, if they get sick, go to the doctor and get more pills. Now they will be able to go in, have their annualized checkup, see what is wrong, and have a personalized prevention plan for each person under Medicare.

It will also encourage States to improve coverage and access to recommended preventative services and immunizations under Medicaid. At a minimum, States will provide Medicaid coverage for comprehensive tobacco cessation services for pregnant women. That is just the start. Right away, at a minimum, they have to do that. In addition, the bill requires insurance companies to cover recommended preventive services with no copayments or deductibles. This is critical because we know that all too often people forgo their yearly checkups or essential screenings because either their insurance companies don't cover them or because they have high copays and deductibles.

Another critical element in the bill essential to a sustainable push for wellness is the creation of a prevention and public health trust fund. Typically prevention and public health initiatives are subject to unpredictable and unstable funding. This means that important interventions, things such as education about nutrition and assistance for smokers who want to quit,