



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, SUNDAY, DECEMBER 20, 2009

No. 196

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

SUNDAY, DECEMBER 20, 2009

The Senate met at 1 p.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Most merciful God, the fountain of wisdom and goodness, on this snowy weekend, guide our lawmakers with Your insights. When confused thoughts emerge, clarify and straighten them with Your wisdom. Bring their desires and powers into conformity to Your will. May their lives be as lighted windows amid the encircling gloom. Lord, save them from a cynical pessimism by reminding them that these challenging

times are in Your Hands. Strengthen their resolve to press on with focused attention on the duties of this day.

Bless also the many unseen workers who support our Senators with sacrificial and faithful labors. Lord, reward them for their diligence and patriotism.

We pray in Your merciful Name. Amen.

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, 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.

S13557

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 20, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will resume consideration of the health care legislation, with the time until 1:30 p.m. equally divided and controlled between the two leaders or their designees. Beginning at 1:30 p.m., and until 11:30 p.m. tonight, the time will be controlled in alternating hours, with the Republicans controlling the first hour.

At 11:30 p.m., the Senate will recess until 12:01 a.m., with the time until 1 a.m. equally divided and controlled between the leaders or their designees, with the majority leader controlling the final 10 minutes and the Republican leader controlling the 10 minutes prior to that.

At 1 a.m., tomorrow, the Senate will vote on the motion to invoke cloture on the managers' amendment to the health care bill.

Madam President, the time I have until 1:30 p.m., I designate to the majority whip, the senior Senator from Illinois.

RESERVATION OF LEADER TIME

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

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of H.R. 3590, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3590) to amend the Internal Revenue Code of 1986 to modify the first-time home buyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

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 1:30 p.m. shall be equally divided and controlled between the two leaders or their designees.

The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the majority leader for designating that I should control half the time between now and 1:30.

I would like to, first, thank all the people who are here, the staff and the pages. This has been a tough session for many but tougher for many of them than some Members of the Senate because many times they have had to wait until the very last Senator of either political party has finished for the day before they go home. I was reflecting on that yesterday afternoon in the midst of one of the toughest, historic snowstorms in Washington, DC; that hundreds of staff people were waiting at their post, doing their jobs on a Saturday, in the middle of a snowstorm, when virtually every business around Washington was closing down. I wish to thank them and the pages on both sides of the aisle for their patience and commitment to this great country and this great institution.

Why are we here on Sunday? Why were we here on Saturday? Why are we going to take a vote at 1 in the morning on Monday? Good questions, and I am not sure there are satisfying answers. But there are answers. We are here because we are trying to finish health care reform. It has been a project that has been underway for almost a year now, since the President challenged us to do something, and a lot of effort has been expended on both sides of the aisle. But I will say I can speak for our side of the aisle.

Senator MAX BAUCUS came to me more than a year ago and sat down in my office to talk about health care reform. He was preparing for this battle as chairman of the Senate Finance Committee and knew he would play a

central role, gathering the opinions of members of his committee and Members of the Senate.

Efforts were underway with Senator Kennedy from his remote location in Massachusetts, recuperating from surgery and from cancer therapy, trying to keep his committee on track toward health care reform. He turned over that mantle to Senator CHRISTOPHER DODD of Connecticut, who did an admirable job with the Senate Health, Education, Labor, and Pensions Committee.

They prepared for and had hearings. They entertained hundreds of amendments. In fact, I believe there were over 160 amendments that were proposed by the Republicans, and many of them were adopted in the HELP Committee.

Senator COBURN of Oklahoma filed 212 amendments during the HELP Committee markup. He offered 38 amendments to the bill. Nineteen of his amendments—half of them—were agreed to. Of those that were offered, 15 were not agreed to—all by rollcall vote. So 13 amendments offered by the Senator from Oklahoma were included in the bill that is before us today.

He has questioned whether the current procedure gives him an opportunity to offer amendments. The fact is, we are now on our 21st day of considering health care reform. Exactly 4 amendments have been offered by the Republican side of the aisle, 4 substantive amendments to change provisions in this bill of 2,000 pages—in 21 days, 4 amendments. They offered six motions to stop the debate, send the bill back to committee. They were generic motions. They did not ask for specific changes. They just take on an issue in the bill and say: Send it back to the committee and tell them to solve this problem and then bring it back to the floor at a later time. Well, that is kind of a procedural and, if I might say, political statement more than a substantive statement about a provision in the bill.

So exactly four amendments have been offered by the Republican side of the aisle that deal with substance. Some of their efforts have been in protection of the health insurance industry, particularly a program called Medicare Advantage, which was created by private health insurance companies to prove to government they could provide Medicare more cheaply.

Some did but most did not, and now we are paying up to \$17 billion a year subsidizing private health insurance companies that told us at the start: We will save you money. It turns out they are costing us money—a lot of money—and many of us think it is wasteful. We would rather have that money spent on basic Medicare, making certain there is solvency in Medicare and a good, strong future.

So when you look at the state of the situation, we are now on a cloture motion to bring a close to the debate on health care reform, after almost 3