

I recently heard from Brad and Joanne in Goodwin, SD. Brad is a cancer survivor and Joanne is a heart attack survivor. They had health insurance coverage at the time of their illnesses but still carry medical debt. After the economy forced the plant Joanne worked for to close in October 2008, she fell back on the health insurance coverage offered by Brad's employer. She relies on medication to manage her heart health and Brad requires regular checkups to make sure he stays cancer-free. In March of this year, the family hit hard times again when Brad's employer downsized and he was laid off.

Today, Brad and Joanne are still unable to find work and their unemployment benefits are set to run out at the end of the year. Even if they could find an insurance policy that approved them for coverage despite their pre-existing conditions, the price of health insurance in the individual market is far beyond their reach. So Joanne pays entirely out-of-pocket for her pricey heart medication and Brad can't afford to visit his doctor as often as he should. They do not know what they will do in the event they suffer another medical emergency or if their unemployment benefits run out before they are able to secure a new job.

Joanne and Brad's story illustrates the insecurity of many American families who are one job loss away from losing access to the health care they need. While South Dakota has been fortunate not to have as high of unemployment rate as other parts of the country, the economic crisis has put more and more South Dakotans on unsteady financial footing.

It is estimated that over 88 percent of South Dakotans have health insurance. This too is an impressive figure compared with other states, but it does not paint the whole picture. Nearly 61 percent of South Dakotans either purchase health insurance in the individual market or have coverage through their employer. These families are at risk of losing their coverage for reasons out of their control, such as those experienced by Brad and Joanne.

The Patient Protection and Affordable Care Act will guarantee these families access to affordable health insurance through life's ups and downs. Insurers will be barred from denying coverage for pre-existing conditions, discriminating based on gender or medical history, and will not be able to drop your coverage the moment you become ill and need costly treatment. New health insurance exchanges in every state will provide a menu of quality, affordable health insurance plans for the self-employed and those not offered coverage through their employer. Families who need assistance will be eligible for tax credits to make the plan of their choice affordable.

These commonsense solutions will give every American one less thing to worry about when they get sick, change or lose their job. As we continue to work out the details of health

care reform, let us keep in mind the American families who are struggling to make ends meet in the face of job loss and rising health care costs. When we think of them, the urgency of health care reform is clear.

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

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

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

Mr. REID. Mr. President, I move to proceed to the conference report to accompany H.R. 3288, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be allowed to proceed for a moment here prior to the vote.

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

Mr. McCONNELL. Mr. President, I say to my good friend the majority leader, we have been anxious to have health care votes since Tuesday, and we have had the Crapo amendment pending since Tuesday. You have said repeatedly, and I agree with you, that the health care issue is extraordinarily important and that we should be dealing with it and debating it.

So it is my hope that somehow, through our discussions both on and off the floor, we can get back to a process of facilitating the offering of amendments on both sides of the aisle at the earliest possible time and we can get back to the health care bill.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am happy to respond through the Chair to my distinguished colleague.

I think it is pretty evident to everyone here not only what has happened here on the Senate floor but the statements that have been made publicly and privately. And certainly I am not going to discuss any private conversations I have had, but based on Rush Limbaugh and Glenn Beck, which is on all the news today, they are upset at Senator McCONNELL because he is not opposing the health care bill enough—that in a reasonable process on this, there are no efforts being made to improve this bill, only to kill this bill.

I think the debate has come to a point that I have rarely seen in the Senate. In fact, I have never seen it. To have my friends on the other side of the aisle come to the floor and in some

way try to embarrass or denigrate me by virtue of the fact that—in fact, trying to embarrass me. What they should understand is that any events I had scheduled for this weekend have been canceled. Events I had last weekend had been canceled—four or five of them. To say the least, I would never, ever intentionally come to the floor and try to talk to somebody about having had a fundraiser and that is why they are trying to get out of here.

The reason I laid out to the Senate what I thought was a reasonable schedule is because, procedurally, we are where we are. The rules of the Senate are such that once cloture is invoked, that is what you stay with. I thought it would be appropriate, because we have worked pretty hard here, to have a day or two off. Anything that was reasonable, I would be happy to deal with everyone. But there was no result from this. Everything that can be done to stall and to divert attention from this bill is being done. And that is too bad, because it is important legislation.

Today, 14,000 Americans will lose their health insurance. Between now and 3:30, a number of people will die as a result of having no health insurance. So we are engaged in some important stuff; as pundits have said, some of the most important legislation that has ever been in this body.

So I am going to proceed to follow the rules of the Senate, and I am sorry we haven't been able to work with the Republicans in a constructive fashion on this health care bill, but it is obvious we haven't.

Mr. McCONNELL. Mr. President, I ask unanimous consent to be able to respond briefly.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I reiterate to my good friend from Nevada, all I said was the Crapo amendment has been pending since Tuesday. We would like to vote on amendments. There has been some difficulty, apparently, in coming up with a side by side to the Crapo amendment. I understand that. But I am perplexed that it would take 2 days to come up with a side by side.

This, as has been stated by my good friend the majority leader, is the most important issue—some have said in history. It has been equated with a variety of different monumentally important pieces of legislation in American history. All we are asking is the opportunity to offer amendments and get votes. I said it in a most respectful way and meant it in a most respectful way. I think it is pretty hard to argue with a straight face that we are not trying to proceed to amend and have votes on this bill. That is what we desire to do.

The majority leader certainly has the right to move to the conference report. He has now done that—or we are about to vote on doing that. All I suggested was we would like to get back on the health care bill as soon as we can, resume the debate process on what has

been described on an issue of historic importance, and let Senators vote, which is what we do here in this body.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I say to my friend from Kentucky that I have an event I am going to now. I will vote and come back, and I will see if we can work something out.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—56

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Kirk	Sanders
Burris	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
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NAYS—43

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bayh	Enzi	Menendez
Bennett	Feingold	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. AKAKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. 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. MCCAIN. 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. MCCAIN. Madam President, it is my understanding we are now on the fiscal year 2010 Consolidated Appropria-

tions Act. I will have a lot to say about this 3,000-page omnibus appropriations bill, but I would point out to my colleagues that it is loaded down with 4,752 earmarks, totaling \$3.7 billion; six bills, totaling \$450 billion; 1,351 pages long, with 409 pages of earmarks. Spending on domestic programs is increased by 14 percent. Veterans spending is increased by 5 percent. That shows the priorities around here. Let me repeat that. Domestic spending programs are increased by 14 percent. Military construction and veterans spending is increased by only 5 percent.

Here we go again. Just a matter of months ago, in March, the Senate passed a monstrous \$410 billion, 3,000-page omnibus appropriations bill that was loaded up with over 9,000 earmarks. At that time, those of us who complained about the ridiculous amount of waste were ignored. In fact, the President's Director of the Office of Management and Budget, Peter Orszag, said in an interview that "this is last year's business. . . . We want to just move on"—a truly remarkable statement coming from the man the President put in charge of the government's budget.

In March, the majority leader placed the blame for the omnibus spending bill at the feet of President Bush. Senator REID said:

. . . we have a lot of issues we need to get to after we fund the Government—something we should have done last year but we could not because of the difficulty we had working with President Bush.

So what is the excuse this time? Where will the blame be placed now? Is the majority leader having difficulty working with President Obama? We have had all year to work on 12 annual spending bills, and we only enacted 5 of them through the regular order, and 1 of those 5 was passed and sent to the President before the new fiscal year began.

We should be embarrassed by this process. Here we go again—faced with a whopping 1,350-page omnibus appropriations conference report, which contains six bills, spends \$450 billion, and is loaded up with 4,752 earmarks, totaling \$3.7 billion. Meanwhile, people are out of jobs, they are out of their homes, unemployment in my home State is 17 percent, and we are going to spend money on things such as \$2.7 million—get this; I am not making it up—\$2.7 million for supporting surgical operations in outer space—supporting surgical operations in outer space—at the University of Nebraska Medical Center, Omaha, NE; \$30,000 for Woodstock Film Festival Youth Initiative; \$13.9 million for fisheries in Hawaii—the list goes on and on and on and on—\$200,000 to renovate and construct the Laredo Little Theatre.

We should not be spending American taxpayer dollars to replace worn auditorium seating and soundproofing materials. The list goes on and on and on: \$800,000 for jazz at the Lincoln Center; \$3.4 million for a rural bus program in

Hawaii—you will note that Hawaii pops up all the time here—\$1.6 million to build a tram between the Huntsville Botanical Garden and the Marshall Flight Center in Alabama; \$750,000 for the design and fabrication of exhibits to be placed in the World Food Prize Hall of Laureates in Iowa.

I am not making these up. This is the same party and President that promised to scrub each one of these appropriations bills and get rid of the unnecessary ones.

So we will be talking a lot about this bill. But I want to point out again what is before us to the American people: six bills—not one—six bills, totaling \$450 billion; 409 pages of earmarks, 4,752 earmarks, totaling \$3.7 billion; and spending on domestic programs is increased by 14 percent; MILCON and veterans spending is increased by 5 percent.

I have met recently with the Governor of my State. We are suffering under incredible economic difficulties. We are having the greatest financial crisis in the history of my State. Couldn't they use some of this \$3.7 billion in earmarks to pay for some of the essential services that are having to be cut back, not only in my State but all over America? No. The beat goes on. It is business as usual here in Washington.

And do not be surprised at the anger of the American people over this way of doing business—bills 1,351 pages long, filled with earmarks and pork that have nothing to do with the betterment of our Nation.

So we will be talking a lot more about many of these porkbarrel amendments that are in it. But it is awful: \$200,000 for "design and construction of the Garapan Public Market" in the Northern Mariana Islands. We will be hearing a lot more about it.

Mr. THUNE. Will the Senator yield for a question?

Mr. MCCAIN. I will be glad to yield.

Mr. THUNE. The Senator mentioned that for these seven bills, the year-over-year increase in spending is 12 percent. Does the Senator from Arizona know what the CPI this last year was?

Mr. MCCAIN. The CPI was minus 1.3 percent, not to mention 10 percent unemployment in America, not to mention people not being able to stay in their homes, not to mention the hardest economic conditions in history, certainly, since the Great Depression.

Spending on domestic programs is increased by 14 percent. What brings that down to 12 percent is they only increased veterans spending—veterans spending—by 5 percent. But opera houses, rural bus programs, music programs—\$300,000 for music programs at Carnegie Hall. Do you think Carnegie Hall needs \$300,000 for music programs?

Mr. THUNE. If the Senator will yield for another question, do any of these numbers the Senator is talking about—this 12-percent increase in spending in these seven appropriations bills over

the previous year, at a time when families across this country are being asked to tighten their belts, small businesses are tightening their belts; as the Senator said, we have record unemployment—do these numbers include the almost \$1 trillion that was spent earlier this year in the stimulus bill?

Mr. MCCAIN. The stimulus bill has nothing to do with that, I would say to my colleague, and we all know that. This is entirely new, six appropriations bills, totaling nearly \$450 billion which, by the way, the majority leader wanted to pass by unanimous consent. Remarkable.

Mr. THUNE. I say to my colleague and friend from Arizona, that is a 12-percent year-over-year increase and the five bills that have already passed had increases that were in the teens in terms of the year-over-year increases too. I do not know how, when you pass a \$1 trillion stimulus bill, much of which was distributed to Federal agencies that are also going to get these year-over-year 12-percent, 14-percent, 15-percent increases in spending, we can justify that to the American taxpayer or to hard-working Americans who are struggling right now to make ends meet and have to balance their family budgets. States are struggling to balance their budgets. But here in Washington, it seems as though it is spend, spend, spend.

Mr. MCCAIN. I would also respond to my friend, it has to be in the context of a revision over 10 years, recently, by the Office of Management and Budget from a \$10 trillion to a \$12 trillion deficit. The deficit for this year is \$1.4 trillion, and I am not sure what it is next year. But they could not have known that in the Appropriations Committee when they passed spending measures such as this.

The point is, in the face of massive, unprecedented deficits, unfunded liabilities in Social Security and Medicare, where we are asking Americans all over to tighten their belts—in my State essential services are being cut because they do not have enough money—this is the same business as usual that we have seen for years.

I saw a poll yesterday—it was in a Hotline poll or one of those—that the approval rating of Members of Congress is below that of used car salesmen. I have not met those who express their approval. So we should not be surprised at some very interesting things that may take place in the elections coming up this November. But it is unfortunate, that is all.

Mr. THUNE. I say to the Senator, one final point I would make is, of all that spending the Senator mentioned—and again the \$1 trillion in stimulus money was all borrowed money; that was all added to the debt, will be added to the debt, and is going to be paid for by our children and grandchildren, but the \$1.4 trillion the Senator mentioned that last year constituted the Federal deficit means that out of every dollar the Federal Government spent last year, 43 cents was borrowed.

Mr. MCCAIN. Forty-three cents. And do you know who they borrowed it against? Our kids and our grandkids. They are the ones who are going to have to pay for it. I do not think I will. It is our kids and our grandkids whom we are laying it on. This is a colossal act of generational theft that we have committed. And believe it or not, the American people have figured it out.

Mr. THUNE. There is no question. The one thing that I guess is bothersome is most generations of Americans—your generation, obviously—worked hard, sacrificed so the next generation could have a better life. What we are basically doing is borrowing from the next generation because we have not been able to live within our means. That turns on its head one of the great ethics of America that has served this country so well for generations. Washington, DC, has not learned the lesson that when you borrow money, it has to be paid back, and that you cannot spend more than you take in. Forty-three cents out of every dollar last year was borrowed—all to be put on the bills of our children and grandchildren.

Mr. MCCAIN. The Senator is correct. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

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

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

The clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288), making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of the two Houses.

(The conference report is printed in the RECORD of December 8, 2009, beginning at page H13631, Book II.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I know we have moved to the Omnibus appropriations bill to continue government, and the time is running out for the current authorization bill, and this brings us back to the authorization of spending, but it also takes us away from health care reform.

On this side of the aisle, we have been waiting for a long period of time to vote on some amendments that are now before the Senate, such as the

Crapo motion which would send the bill back to committee to take out the tax increases that are in it. Then we also have the Dorgan amendment. I can understand why maybe the majority does not want to vote on Republican amendments, but I sure don't understand why they would object to voting on Senator DORGAN's amendment, a Democratic amendment, because there have always been more Democrats than Republicans for the Dorgan amendment, and quite frankly, I am in a position where I agree with that amendment. I am a co-sponsor of it. I think we would have a great deal of bipartisan support for the Dorgan amendment. But now we are just automatically away from the health care debate and those amendments.

So I am wondering why we had to do this appropriations bill right now. I think there is growing realization that maybe public reaction, negative reaction to the legislation before us—remember that 2,074-page bill that is before us—the public is getting wise to what is in that bill and there is objection to it, and maybe now the majority party would like to have a little respite from that debate. So I thought I would come back to not the substance of the health care reform bill debate but to a lot of organizations that oppose it and why they oppose it, just to keep the public's attention that we on this side of the aisle feel the health care issue is very important.

As I travel around Iowa, I hear a lot of concern about out-of-control government spending. People are worried about all of the bailouts, the banks, and the automakers, the automakers such as General Motors being nationalized. They are worried about the rising rate of unemployment, which is 10 percent now. They don't see how we will ever dig ourselves out of the deficit hole we are in, a deficit that has been increased by \$1.3 trillion since President Obama's inauguration.

As Senator MCCAIN just pointed out, the bill that has now come before the Senate to fully fund the Federal Government has 12.5-percent increases in it. From that standpoint, it seems to me we are getting away from a commonsense principle that we ought to use around here on spending, and that is that spending shouldn't eat up any more than the economic growth of the tax base that is coming into the Federal Treasury to support that spending. Quite obviously, you can't have 12.5 percent increases in appropriations this year over last year, and last year was 9 percent over the previous year. You just can't sustain that. Common sense dictates against it. But what rules here in Washington is just a lot of nonsense.

So our constituents are confused. They are confused as to why, in the face of all these fiscal problems, some in Congress are now proposing \$500 billion in tax increases. Tax increases are very bad for the economy. It is more difficult to get out of the recession as

you increase expenditures. They don't understand why some are proposing the largest Medicaid expansion since the program's creation. They want to know why they are proposing \$500 billion in Medicare cuts to create an entirely new entitlement program that this country can't afford.

Nowhere are these worries and this confusion more evident than among business leaders of America because business is where jobs are created. Government does not produce wealth; government consumes wealth. So if you want to expand the economy, you do it through the private sector. That is where the resources of government come from. That is where the resources that sustain our people come from.

So whether it is a small business owner on Main Street or a CEO on Wall Street, the message is clear: Stop spending, get the economy back on track, and get people back to work.

Unfortunately, the health reform bill will not address any of these goals. In fact, it may just do the opposite. Don't take my word for it. Let's take a look at what the groups that represent American businesses are saying.

Let's start with the Chamber of Commerce representing 3 million American businesses. In a press release distributed November 19, 1 day after the release of the Senate bill, the Chamber called the Senate bill a "Missed Opportunity to Enact Meaningful Reform." That was their title.

Let me go to a specific quote:

This bill still contains a government-run plan and an onerous employer mandate, it taxes working Americans, slashes Medicare, spends over a trillion dollars—and after all this—CBO tells us 24 million Americans will still not have health insurance.

That doesn't sound like the kind of reform that is going to help get the chamber members back on track hiring more workers so we can get this unemployment down. It sounds as though they will end up being forced to pay higher taxes and cut jobs. I am not an economist, but that certainly doesn't sound like a formula for getting this country out of the recession.

In fact, the chamber's press release says:

The Chamber believes the path to a healthier economy is to cut taxes, not to raise them by \$500 billion.

They go on to ask a question for which I still can't find an answer:

Why is there still no meaningful medical liability reform? Is currying favor with the trial lawyers worth passing up \$50 billion in CBO verified savings?

I think it is pretty clear that the Chamber of Commerce doesn't think this \$2.5 trillion bill will cure what ails the U.S. economy.

Let's see what some other business groups have to say. The National Association of Manufacturers put out a press release the same day as the Chamber of Commerce, November 19. The National Association of Manufacturers is the Nation's largest industrial trade association. Their members build

the machines that keep America running, so they should know a little bit about how to get our economy running again. Unfortunately, they see Senator REID's bill as a step in the wrong direction. Like the Chamber and like pretty much every other business group, the National Association of Manufacturers has announced that they cannot support the pending bill.

I find it hard to believe that some Senators who claim to be probusiness can support a bill that is opposed by almost the entire business community—or am I missing something? How can some Democrats who claim to want to get people back to work support a bill that economists from the far right to the far left say will reduce wages and increase unemployment? It just doesn't seem to make sense.

Like other business groups, the National Association of Manufacturers is in favor of reform. Manufacturers realize that we need health reform to lower costs, increase access, and improve quality. But according to their press release, they cannot support a bill that will—this is their quote—"add massive financial burdens to businesses that are already struggling in this recession." They go on to express deep concern about huge tax increases that will hurt small business manufacturers, and they are worried that both the so-called public option and the massive Medicaid expansion will just end up shifting more costs and higher premiums to private businesses.

The National Association of Manufacturers ends their press release by saying:

Oppose the majority leader's bill and urge Senators to do the same as it raises costs and ultimately will destroy jobs.

Again, I find myself asking how someone can claim to be probusiness but support a bill that is so strongly opposed by the business community.

Let's take a look at what small businesses have to say. Maybe that is where the answer is. You have to remember that small businesses create 70 percent of the net new jobs in America. In fact, it was Christina Romer, the President's top economic adviser, who said in a recent Webcast that health care reform will "benefit small business—not burden it."

Unfortunately, the National Federation of Independent Businesses, the voice of small businesses, doesn't seem to agree. After the release of Senator REID's bill, the National Federation of Independent Businesses said this:

This kind of reform is not what we need to encourage small business to thrive. We oppose the Patient Protection and Affordable Care Act due to the amount of new taxes, the creation of new mandates, and the establishment of new entitlement programs.

Like the chamber and the National Association of Manufacturers, small businesses want and need reform, probably more so than even chamber members and the National Association of Manufacturers. But it doesn't sound as though the pending bill actually ad-

resses the problems of small business. In fact, it sounds as though the pending bill simply creates a host of new problems—problems at a time when this country is coming back from the brink of the greatest economic downturn since the Depression.

The National Federation of Independent Businesses goes on to say:

There is no doubt all of these burdens will be paid for on the backs of small businesses.

Over the coming weeks, I am sure some Senators are going to come down here and talk about all of the benefits for small businesses that are in this bill. But in the interest of honest debate, I hope they will at least mention in their remarks that despite all of the so-called benefits, this bill is still opposed by the voices of America's small businesses. It is still opposed by the National Federation of Independent Businesses. I could go on and list about half a dozen other business groups that oppose this bill. The Associated Builders and Contractors, the Independent Electrical Contractors, the International Franchise Association, the National Association of Wholesalers, the Small Business and Entrepreneurship Council, and the International Food Service Distribution Association—all of these groups recognize the devastating impact this bill will have on our economy.

We are facing the highest unemployment rate in 26 years. We have already seen the national debt increase by \$1.3 trillion since inauguration or per household \$11,535. The pending bill misses the mark on business' top priority, and that is lowering costs. Don't take my word for it. The Congressional Budget Office says the Reid bill bends the Federal spending curve further upward by a net of \$160 billion between 2010 and 2019.

For these reasons, the pending bill is opposed by these organizations I have quoted: the National Association of Manufacturers, the Chamber of Commerce, the National Federation of Independent Businesses, as well as almost every other business group based in Washington, DC, or maybe, for all I know, they are based in other parts of the country, but they still follow legislation here in this city, in the Congress.

The business community has spoken, and their message is loud and clear. For Senators who want to bend the growth curve down—and that is what we all set out to do, but we don't have a bill before us that does it—this bill is not the answer. For those Senators who want to get people back to work, this bill is not the answer.

For those Senators who want to get this country's economy back on track, this bill is not the answer.

If you support American businesses—and American businesses are what provide the income into the Federal Treasury, whether it is corporate tax or income tax—it seems to me that if you have pride in American businesses and the jobs they create, you cannot support this bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I rise this afternoon to speak about the Transportation-Housing title of the bill now before the Senate. This is a bill that has broad bipartisan support because it addresses the very real housing and transportation needs of American families across the Nation.

There is a lot to be proud of in this conference report, and I am pleased with what we have been able to accomplish working with my colleague from across the aisle, Senator BOND, Chairman OLVER on the House side, and Congressman LATHAM and all their staffs.

This bill makes needed investments in our transportation infrastructure, creating critical jobs, while also supporting housing and services for our Nation's most vulnerable.

It ensures that two critical Federal agencies—departments that communities across the country depend on—have the resources they need to keep our commuters safe and our communities moving and prospering.

The bill before us touches the lives of Americans in ways they can appreciate each day. Because we are talking about transportation projects and housing assistance, we are also talking about jobs and stemming a housing crisis that has contributed to our current economic troubles.

Whether it is the parent who commutes every day and needs safe roads or new public transportation options so they can spend more time with their families or a business that depends on solid infrastructure to move goods and attract customers or the young family searching for a safe and affordable community in which to raise their children or the recently laid-off worker who needs help to keep his or her family in their home, this omnibus bill before us has a real impact on Americans who are struggling in these troubling economic times.

Our bill takes a balanced approach that addresses the most critical needs we face in both transportation and housing, while remaining financially responsible and staying within the constraints of the budget resolution.

I am especially pleased that the bill provides over \$10.3 billion to support and expand public transit, which continues to see record growth in ridership.

The bill also includes \$600 million for the competitive multimodal surface transportation grant program, which supports projects making a significant impact on communities and regions—in addition to the over \$41.8 billion included for our Nation's roads and bridges, which will support good-paying construction jobs and lead to safer and more reliable infrastructure.

These transportation investments are critical to supporting our Nation's economy and creating good-paying jobs.

In addition to these important investments in transportation, the bill represents a firm commitment to provide critical housing and supportive services to families most impacted by the economic crisis.

This bill includes increased funding for the section 8 program, which provides housing for low-income families across the country. In addition, the bill increases housing programs for some of our Nation's most underserved populations, such as the elderly, the disabled, and Native American communities.

Senator BOND and I are particularly proud that this bill includes \$75 million for vouchers for the joint HUD-Veterans Affairs Supportive Housing Program. That program will provide an additional 10,000 homeless veterans and their families housing and supportive services. We should all be very proud of the inclusion of that in the bill.

I am also pleased the bill includes more than \$150 million for housing counseling programs to help families avoid scams and stay in their homes, instead of facing foreclosure.

Our bill provides assistance to those who need it most, and it directs resources in a responsible and fiscally prudent way.

It addresses the needs of families and businesses in every region of the country—families who are looking for the Federal Government to step up and provide solutions to everything from congestion solutions to transportation safety, to foreclosure assistance, to affordable housing.

This bill helps our commuters, homeowners, and the most vulnerable in society. Most important, it will create jobs and support the continued recovery of our national economy.

I hope we can get past the differences we have and move quickly to send this bill to the President's desk.

Before I close, I thank all our Senate staff who worked extremely hard over this past year to move this bill forward to our subcommittee, through full committee, to the floor of the Senate, through conference committee, and now here at its final stop before it reaches the President's desk. They have worked many weekends and evenings putting this together. These staff members are: Matt McCardle, John Kamarck, Ellen Beares, Joanne Waszczak, Travis Lumpkin, Grant Lahmann, Michael Bain, Dedra Goodman and Alex Keenan and especially Meaghan McCarathy and Rachel Milberg for their outstanding efforts to help us get this bill to the floor today. We are the ones who stand before everybody and take credit for these bills, but it is our staffs who have helped us get here. I thank the staffs on both sides of the aisle for getting us here today.

I urge our colleagues to get past our differences and move the bill quickly to the President's desk.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I wish to speak on the Omnibus appropriations bills, to which we just moved, as well as to return and make some comments on the health care legislation from which we just retreated.

First, regarding the Omnibus appropriations bill, I am very concerned about the fact that, as my motion is pending on the health care bill, dealing with one of the more important issues; namely—the President's pledge to make sure no one in America who makes less than \$250,000 as a couple or \$200,000 as an individual will be required to pay for the unbelievably high cost of this bill.

While we were facing that amendment, the majority has decided they will shift from the bill—I understand that is a tough vote to take because the bill contains so many hundreds of billions of dollars of new tax increases that the American people squarely in the middle class will be called upon to share. We should not have shifted from the health care debate to move to the Omnibus appropriations bill, not only because of the importance of the issues we are dealing with on the health care legislation but because of the Omnibus appropriations bill itself.

This Congress cannot control its appetite for spending. The appropriations bill we see before us now is called omnibus because it packages together seven of the original appropriations bills this Congress has been working on—and we are studying them to find out the details. But from the information I have received, the average rate of growth in spending in this bill overall—over those seven bills—is somewhere between 12 percent and 14 percent growth in

Federal spending.

This Congress has generated a \$1.4 trillion deficit in less than 12 months. For next year, we want to see Federal Government grow by another 12 to 14 percent. That doesn't count the new stimulus package spending that is being talked about, and it doesn't count the spending—that almost \$2.5 trillion in new spending—contemplated in the health care legislation, and any number of other pieces of legislation waiting in the queue to come before the Congress.

At some point, fiscal restraint has to return to Washington, DC. We have not seen it here for far too long. I know it is very tempting to just say we can pile the debt on our children and grandchildren and spend what we want to spend today. There are those who say the only way we can have a strong economy is to spend ourselves into prosperity. Yet it is not the government that creates jobs. It is the formation of capital, the investment by small businesses and entrepreneurs in new ideas and products, and the expansion of business in the United States that will allow us to sustain a strong, healthy growth in our economy.

If we continue to rely on borrowing money from the future in order to

spend ourselves into prosperity, we will continue to see our national debt mount to a point where it cannot be sustained. We are already at a \$12 trillion national debt, a national debt that is projected to double over the next 10 years to \$24 trillion. I object to moving off the health care bill, where we had such critical amendments and motions pending. I object to moving to a bill that will now increase the spending of the Federal Government by 12 to 14 percent.

Let me shift for a moment and talk more about the health care bill. The motion I had brought—the pending motion before the Senate—or it was before we shifted off the health care bill—was a simple motion that would have required the bill to be committed to the Finance Committee, with instructions to the Finance Committee to take out those parts of the bill that impose a tax increase on people in the United States who earn less than \$250,000 as a couple or \$200,000 as individuals.

Very straightforward, it is exactly what the President pledged he would do, on multiple occasions, to the American people. Yet we have shown there are almost \$500 billion of taxes in the first 10 years of this bill. If you look at the real first 10 years after the spending has kicked in—the 2014 to 2023 time period—it is almost \$1.2 trillion in new taxes, a huge portion of which falls on the middle class. The response has been that actually this bill is a net tax cut. How can that be? The only way it can be claimed to be a tax cut is if you take the subsidies in the bill—about \$400 billion worth of them—which are used to provide people at lower income categories, who don't have adequate access to insurance, with a subsidy toward the purchase of insurance and if you call that a tax cut. In the bill, it is actually called a renewable tax credit—even though \$300 billion of the \$400 billion goes to individuals who do not pay taxes, do not have a tax liability, and it is scored by the CBO as spending, not tax relief. Even if you were willing to count that money as tax relief, then you would have a situation in which 7 percent of the Americans would be receiving these government subsidies, while the remainder would be paying the price—paying the taxes.

To put some numbers on that, out of 282 million Americans who have insurance in America today—or will have in 2019—only 19 million would receive this tax credit being talked about. Remember, the vast majority of them get what is called a tax credit, but it is a government subsidy going to those who have not generated a tax liability, and 157 million of the 282 million would be people who get health insurance through their employer and will not be eligible for that health insurance.

After you do all the numbers and take out the taxpayers who make less than \$250,000 a year as a couple or \$200,000 as an individual, the bottom line is, after all those who are subsidized are taken out, there are still 42

million Americans in the middle class, as defined by the President, who will pay hundreds of billions of dollars in taxes.

My amendment would simply require that those taxes be taken out of the bill, the President's pledge be honored in the bill, and the bill then be put into a posture to return to the floor for further debate.

There is one other item I would like to talk about. One of the things that is often said by the opponents of my amendment is that this bill actually drives down the spending curve.

When they say that, I wonder what curve they are talking about. Are they talking about the size of government? No. The size of government under this bill grows up by \$2.5 trillion. Are they talking about the cost of health care? No. The CBO study indicated very clearly that at best Americans will not see the cost of their health care go down. For those in the most needy categories, the 17 percent of Americans who are in the individual market, their health insurance will actually go up by 10 to 13 percent.

Are they talking about the Federal deficit? Actually, CBO says the deficit will go down. That is not the size of the government, but that is the size of the debt or spending each year. But how does it go down? It goes down only if you use the budget gimmicks that I will outline in just a minute or if you include all the taxes, the hundreds of billions of dollars of taxes that are in the bill, and if you count the Medicare cuts that are in the bill.

Take out any one of those—the nearly \$500 billion of Medicare cuts, the nearly \$500 billion of taxes, or the budget gimmicks—and this bill does not drive the deficit curve down.

What are the budget gimmicks—and I will close with this—what are the budget gimmicks about which I am talking? There are a number of them. The biggest is that the proponents of the bill do not count the first 4 years of spending. If you look at the 10-year spending cycle of the first 10 years of the first part of this bill, the taxes go into effect on the first day the bill is law, on January 1 of next year. The spending does not start until the year 2014.

So we have 10 years of taxes, 10 years of Medicare cuts, and 6 years of spending. That is how they are able to say it balances out. If they started the spending and the taxing on the same day and did not give themselves a 4-year run of tax collection until they start the actual implementation of the spending part of the bill, it would drive the deficit down also.

All we need to do in this Senate is to slow down, refer the bill back to committee, have them fix the provisions on taxes, and then work on some of the common ground we know we have that will help bend the spending curve down and will help improve the situation for Americans across this country who are calling for us to control the skyrocketing costs of health care.

It is my hope that as the Senate goes through the next few weeks of debate on this legislation, as well as the other legislation we bring before us, we will remember our children and our grandchildren and all Americans today who are calling for the kind of true health care reform that will truly address the kind of fiscal responsibility and the kind of cost containment that we should be seeking in this Chamber.

I yield back my time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Madam President, I rise to reiterate exactly what my colleague just said, that transparency with the American people on the cost of this plan is absolutely essential. If you are going to tax the American people, tell them what you are going to tax. If you are going to cut their benefits, tell them what you are going to cut. Do not use smoke and mirrors to create a panacea for the people down the road to find out they have been sold a pig in a poke.

I want to talk about not what has been introduced but what has been reported in the press as to where we may go on this bill.

As many know, the bill that is under consideration that is supposed to reform health care is a bill that was crafted in a back office in the Capitol where very few people participated, and those who did participate were only Democrats. It was not until it was rolled out on the Senate floor that many of us had an opportunity to read the 2,074 pages. If the American people are like I am, we are still working our way through section by section trying to figure out exactly what it says and, more importantly, exactly what it means and, even more important than that, how does it affect me? How does it affect my family?

You see, health care is a very personal issue for everybody in this country. It is important that we display the honesty they expect from us. If, in fact, we are going to reform health care, then let's reform it. If we are going to do what we have done over the past several weeks, which is have a debate about coverage expansion, then let's be honest with the American people. Who is going to pay for it?

We know how CBO looked at the bill and how it was designed by the majority leader. They are going to steal \$464 billion from Medicare. That is a fact. Nobody disagrees with that. Madam President, \$464 billion would be stolen from Medicare which the Medicare trustees say will be insolvent in 2017, a mere 8 years from now. I am not sure that is fiscal responsibility, but it is in the bill.

In the last 24 hours, the press reports the majority leader has sent a new proposal to CBO, the Congressional Budget Office, because he is seeking to find out what that new proposal will cost. If the reports are correct, he has decided to drop the public option and to craft a new coverage plan for some segment of

the American people. Again, by news accounts only, that would be an expansion of coverage for individuals in this country 55 to 64. I do not know whether that is the entirety of the group. That is 24 million to 30 million people. The likelihood is if it were opened to any segment, it would be like a magnet to those who probably had some type of health condition because if you do not have a health condition, the likelihood is, in the open marketplace through your employer, if you are employed, you can find a reasonably priced plan. Automatically, the way we have designed it is we are going to attract the sickest of that population.

In the process of doing that, we have to pause for a moment and realize that we have over 40 million seniors and disabled already in Medicare. It is a system that does not reimburse for 100 percent of the services provided. In other words, for Medicare, we reimburse a doctor and a hospital less than it costs them to deliver the service. Nationally, we have accepted that because in that system, when a senior goes in under Medicare and gets a service, what is not reimbursed is then shifted over to the private sector side. It is shifted over to people who pay out of pocket. It is shifted over to people who have private insurance.

Doctors and hospitals have been successful at managing their payer mix. A lot of doctors have X amount of Medicare, X amount of Medicaid, and X amount of private pay. When they put them all together, they find a way to stay in business.

I think it is safe to say if you change the doctors' payer mix or you change the hospitals' payer mix, you could take a provider and move them from slightly profitable, enabling them to practice, over to losing money based upon how the payer mix reimburses them.

My point is, as you take people out of private pay, which is coverage by their employer under a health care plan, payment out of pocket or purchase of health insurance, where that health insurance pays at 100-plus percent of the cost of a service provided, we are basically putting 24 million possibly new additional covered lives into Medicare under Medicare reimbursements. Through that, we automatically change the payer mix of every potential provider in America. We put in jeopardy the doctor. We put in jeopardy the hospital. We put in jeopardy anybody who provides a service under Medicare.

What is the doctor going to do? The doctor can look at it and say: I can absorb the reduction and the change in the payer mix or the doctor may look at it and say: I cannot add any more Medicare beneficiaries. I am sorry, I saw you before when you were on private insurance, but I cannot continue to see you because now I do not get reimbursed sufficiently. So you are going to have to find another doctor.

Now we have gotten into the core pledges of the President where he said:

If you like your plan, you get to keep it; if you like your doctor, you can continue with him. We are putting a burden on the doctor or the hospital to make a determination as to how they monitor and control their payer mix by one simple change: by increasing the opportunity for people to participate in a program that up to this time has been sacred and, I might also add, is a program that every participant has paid in their lifetime to be enrolled in.

Medicare is a trust fund. I think we forgot that, when we arbitrarily said we can take \$464 billion and steal it out of Medicare and use it to fund this new entitlement. This is not our money to steal. This is the beneficiaries' money that they have paid taxes on their entire life to fund their Medicare benefits.

I am not sure why we believe we have the right to go in and move that money from one account to another, where, in essence, we are moving it from one account and using it for somebody totally different. It is unfair to those who planned a lifetime for this.

Let me go back to the payer mix. As you increase the rolls of Medicare beneficiaries, you affect the viability of every outlet of medical services—hospitals, doctors, this could also affect pharmacists. It is important that we realize we have already increased in this bill the number of individuals who will be covered under Medicaid. The majority leader's original bill mandates that every State will now raise their limit on Medicaid participation from 100 percent of poverty to 133 percent of poverty. Medicaid reimburses at about 72 cents of every dollar of service provided. When you do that, you have now enrolled between 11 million and 15 million new covered lives under Medicaid.

So every provider in the system is already looking at what has been proposed—until the press accounts of the last 24 hours—and said: I am going to have 11 million to 15 million more people. I am being reimbursed 72 cents of every dollar provided. It is hard to stay in business when it costs you a dollar to deliver a service and you get 72 cents back as payment.

They are already trying to figure out how they are going to adjust their payer mix to meet the demands when all of a sudden we come out with a new proposal that the press accounts say we could enroll 24 million people in, that further contributes to cost shift.

Let me say to my colleagues, I was in full agreement with the President when he came out and said: Here are our goals. We have to reform health care. We have to focus on making sure every American has access and affordable options to health care. We have to make sure it is fiscally sustainable.

Why, in the 21st century, would we design a health care system that we could not be certain was financially sound for generations to come?

The truth is, by every account, in a real 10-year period, 10 years of taxes

and 10 years of benefits going out, this bill before the revision yesterday is a \$2.5 trillion bill. It will contribute to the debt. It will borrow money that our children will be obligated to pay interest on and pay back.

This just compounds the problem, a breakthrough. This is not about policy; this is about in a back room in Washington in the U.S. Capitol, where the majority leader was trying to get to 60 votes. It is real simple.

Listen to the American people and we would start over and we would start over with the principles of the President: Make sure what you do reforms health care, attracts 100 percent of the American people because of access and affordability, and it is fiscally sustainable for generations to come.

The truth is, we have been on the Senate floor for 2 weeks. We have debated a bill that does coverage expansion. I admit openly, it covers 31 million more Americans. But it misses the mark of doing any health care reform because, you see, the bill, before the press accounts of the last 24 hours, assured every American that if they had private insurance or they paid out of pocket, their health care costs were going up. There is no way they could not.

Now what we have done is we have shifted and said we are going to increase the amount of the cost shift. Let me explain for just a minute what a cost shift is. Cost shift is when somebody goes in and is provided a medical service, and if they do not pay for that service or they do not pay the entire cost of that service, what is left over is shifted somewhere in the system. Well, somewhere in the system is the next person who walks in with insurance or who pays out of pocket. Because of the blend they have to meet, they pick up the difference.

Why has health care had such a phenomenal increase in cost? It is because as we increased the rolls of Medicaid, as we had more seniors go into Medicare, we had more costs that were shifted. Up to this point, the President, the Congress, and others were only focused on the uninsured and the underinsured. Well, they are a contributor to the cost shift, there is no question. But let me suggest to you that if we provide insurance—and we should provide access and affordability for every American. By putting people into Medicaid, all you are doing is exacerbating the cost shift. If, in fact, you create a health care system that has an incentive for an individual not to purchase their own health care because it is cheaper to pay the fine, all you are doing is exacerbating the problem of cost shift.

Health care reform is about changing the health system so that cost shift is eliminated. Quite frankly, it starts with making sure we pay 100 percent of what the cost of the services are. But we are not having that debate. This debate on the Senate floor right now, 2 weeks before Christmas, is about coverage expansion. It is not about health

care reform. If it were about health care reform, we would be talking about how we create an incentive for private companies to create products that allow an individual to construct their health insurance so that it matches their age, their income, and their health condition. That is not what we are doing. We are sitting in Washington, creating a one-size-fits-all program and saying: You know what, if this doesn't fit, well, we are going to create a government option for you, and we will subsidize you and put you in the government option. Where is that fair to the American taxpayer?

That is why Senator CRAPO's motion is so important. Refer it back to committee. Start over. We have our priorities wrong as it relates to our ability to dip into the American people's pockets and use their money to fund something that is not going to benefit them one bit. This would be a different debate if we could look at the people who are not covered and say: We have fiscally maximized our ability to provide you health care but not necessarily abused the American people's pockets to do it.

America is the most compassionate country in the world. But when we debate things such as this, we are also the most foolish country in the world because it is irresponsible on our part to abuse the power of this government to spend money like this without the benefits that we set out to achieve.

So it is my hope that as we go through the weekend, we will have an opportunity to see what the new proposal is that is laid down on the table. Again, I have to go by what I read, and that is not always accurate in this town.

The CBO has stated that a similar proposal, which was a proposal for a buy-in at the age of 62, would result in an adverse selection in the Medicare Program and would drive up premiums. Let me quote CBO because I don't want it just to be me. This is what the CBO said:

A potential problem with this option is that the amount of adverse selection that the program experienced could be greater than anticipated, which would put upward pressure on premiums.

CBO is the entity that is evaluating the cost of the current proposal, which nobody knows what is in it. But this was a proposal that was sent to them some time ago that had the buy-in starting at 62, not 55, and their assessment of it, with a buy-in of 62, is that the adverse selection—meaning more sick people were going to migrate to this new option—would cause upward pressure on Medicare premiums and upward pressure on premiums across the board.

So it is my hope that we will have an opportunity very soon to know what is in the proposal and to be able to debate the facts versus just trying to educate ourselves based on the leaks from the media. But there is one thing for certain: The American people have voiced

their position on health care reform. They do not see it as reform. They do not see it as positively affecting themselves. They see it as too expensive, they see it as a breach of trust on a plan that seniors have become 100 percent reliant on because they paid into it.

This path has a lot of problems. It is not just the new proposals, it is the proposal that has been on the table for some time. It is my hope that we will continue this debate as long as it takes to make sure that at the end of the day we do what is right for the American people and not necessarily what is expeditious for Members who would like to be home for the holidays.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, earlier today I explained to my fellow Senators, and hopefully to my friends in the media, that the Reid bill does not provide a net tax cut for Americans. Contrary to the Democrats' claims, that seems to be the situation. They claim there is a net tax cut. I hope I proved earlier today that it does not have a net tax cut. Some Americans are cut, but don't forget that some Americans have increases in taxes. I pointed directly to this data, as prepared by the Joint Committee on Taxation, to show that a group of middle-income taxpayers will see their taxes go up under the Reid bill, and that would be this class of taxpayers right here. I don't disagree with Democrats saying there is \$40,786 million of tax cuts, but there are also tax increases for a large share of Americans.

I want to now build on those earlier remarks. As I stated, there is clearly a group of individuals and families who benefit from the government subsidy for health care. However, that group is relatively small. Another much larger group would see their taxes go up. So I want to take a minute to provide some statistics that we pulled from the data of the Joint Committee on Taxation looking at both the winners and the losers under the bill.

For the benefit of the public, the Joint Committee on Taxation is an intellectually honest group of professionals who are nonpartisan, and they give Congress information on the impact of policies we make here in our various committees or as individuals or the Senate as a whole.

According to this professional group, the Joint Committee on Taxation, out of those individuals and families affected by four major tax provisions under the Reid bill, individuals earning more than \$50,000 and families earning more than \$75,000 would see, on average, their taxes going up. Only individuals with incomes below \$50,000 and families with incomes below \$75,000 would, on average, see some tax relief on account of receiving subsidies for health insurance.

The data of the Joint Committee on Taxation indicates that in 2019, indi-

viduals earning less than \$50,000 would, on average, receive tax relief through this subsidy equal to \$875. Families earning less than \$75,000 would, on average, receive tax relief equal to \$2,031 from the subsidy. This so-called tax relief, however, is in the form of an advance refundable tax credit that is delivered directly to the insurance company providing health insurance coverage, not to the individual but signed, sealed, and delivered directly to the insurance company—100 percent of it. I repeat: not to the individual but to the insurance company. Clearly, this group is a winner under the Reid bill. But the same data from the Joint Committee on Taxation indicates that in 2019, individuals earning between \$50,000 and \$200,000 would, on average, see a tax increase of \$593. That is for individuals. Now, let's go to families earning between \$75,000 and \$200,000. They would, on average, see a tax increase of \$670.

So what does all this mean? This means the Reid bill does not cut taxes for all Americans. To the contrary, the Reid bill breaks Obama's promise not to tax individuals making less than \$200,000 and families making less than \$250,000 a year. And you just can't know how many times President Obama, during his Presidential campaign—whether in debates or in individual appearances when he was a candidate—made it very clear that nobody with under \$200,000 a year in income was going to see a tax increase. To the contrary, the Reid bill breaks President Obama's pledge not to tax individuals making less than \$200,000, and then a higher figure for families making less than \$250,000.

Does the tax relief provided to individuals earning less than \$50,000 and families making less than \$75,000 represent a tax cut? Generally, no, because based upon the report of the Joint Committee on Taxation, of the \$395 billion the government will spend on tax credits for health insurance—or subsidies for health insurance—\$288 billion will be refundable, meaning individuals and families who have no tax liability will still receive the full benefit. The Joint Committee on Taxation tells us that the remaining \$106 billion will go toward reducing real tax liability.

The Congressional Budget Office classifies a benefit provided to tax filers with no tax liability as government spending, not as a tax decrease. This is compared to a tax benefit that actually will reduce a taxpayer's tax liability. This means the \$288 billion of government spending through the Tax Code cannot be considered a true tax reduction.

The Democrats count the \$288 billion in government spending when claiming the Reid bill provides a tax cut. And the reason is if the Democrats do not count this government spending as a tax cut, they could not hide the fact that the Reid bill increases taxes.

Bottom line: The Reid bill does not provide a net tax cut. Instead, the bill

raises taxes and it raises taxes on individuals and families earning less than \$250,000, contrary to Candidate Obama's presentation during the campaign that nobody below that figure would get a tax increase.

Check the data. No one can dispute it. It is right here in these figures. Everybody in the United States is represented by these figures here highlighted. They are the ones who are going to get a tax increase. That is the rest of the story.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Madam President, we are on the floor today, as we have been for many days and weeks now, discussing health care. One thing I think is undeniably clear is that there is a basic divide in the Senate on health care. That is not news to most people. But I believe on this side of the aisle there is a great deal of consensus about what health care reform should be about.

We have been trying throughout this debate to make it very clear that we are not only concerned about the tens of millions of Americans who do not have any insurance at all—that is obviously a focus of our work and focus of the debate—but we are also concerned at the same time, as we must be, with those who have insurance—with families with insurance, families who believe they have the security of insurance but, unfortunately, under our system many of them don't.

Many families, in fact millions of families, over the last couple of years have had a member of their family denied coverage because of a preexisting condition. That should be illegal. In this legislation we deal with that directly for the first time ever.

We also provide other protections. When you say "consumer protections," that is a nice sounding phrase but in some ways it does not describe what we are trying to do. We are trying to prevent people from being denied coverage because of preexisting conditions. We are trying to make sure that other families don't have a tragedy such as the family I have spoken on before on this floor, the Ritter family in Manheim, PA. They had the tragedy of finding out a number of years ago that their two 4-year-old daughters, twins, had leukemia but also the insult and the outrage of our system saying to them: Your daughters have leukemia, we can treat them, we have a lot of experts and knowledge and technology to help them, but we are going to limit their care.

That is an outrage. The first provision in this bill says we are not going to put caps on treatment for people who are very sick.

We also recognize that, as President Obama said a number of months ago, if you get sick, you shouldn't go bankrupt. But that is happening more and more in America. It is an outrage and we should not allow it to go on any longer.

We are trying also to keep premiums affordable. Fortunately, the Congressional Budget Office helped us make that argument. In their own way they weighed in on that question and talked about the fact that so many American families will have their premiums reduced if not kept level.

We are obviously trying to enhance quality and prevention. All of these strategies that we know work, the research is irrefutable, but we talk about them as a way of a good example instead of talking about them as something we ought to put in the law and make part of our system. Why should we have all of those prevention strategies and then throw up our hands and say that would be nice if insurance companies did that in their policies instead of make it part of the law. And we will, both in terms of prevention strategies as well as quality.

Finally, as a quick summary of what we are trying to do, we are trying to control costs. I think this bill does that. We still have a bill to do and amendments to make. It also cuts the deficit by \$130 billion over 10 years, and much more, several hundred billion, in the years after that.

One fundamental recognition, I guess, in this debate—at least on this side of the aisle—is that our system has left people out. In some cases it has left them out in a very tragic way when they are denied coverage because of a preexisting condition. Our health care system has left out others in different ways, and I rise today to speak about an amendment I filed, along with Senator KLOBUCHAR, my cosponsor on this amendment, that seeks to address a group of Americans who have been left out of our health care system and forgotten at a very difficult time in their lives. The name of the amendment is the Pregnant and Parenting Teens and Women Amendment. It recognizes what I believe to be a fundamental reality in America. I will describe two scenarios—one that so many of us have had the opportunity to experience as parents but especially those in this Chamber and those who are listening to this debate who are women who become pregnant.

For many women that moment when they find out they are pregnant is a moment of joy. It is the miracle of pregnancy. They feel that joy and they share it with their family and their friends. It is a time of real happiness. Many of these women in that first scenario do not need help beyond what their families provide or what they might receive by way of adequate support within our existing framework of programs and services—whether that is government help or private sector or nonprofit help. That is wonderful and we hope that becomes more and more the case.

But there is a second scenario in America, a second category where a woman finds out she is pregnant and that moment of discovery is not a moment of joy. For her, it is a moment of

terror or panic or even shame. She may be in a doctor's office or she may be at home—she may be in a number of places—but for her that moment begins with a crisis in which she feels overwhelmingly and perhaps unbearably alone, all alone. She could be wealthy, middle income, or poor—but most likely, if that pregnancy is a crisis, she is poor. Whatever her income, she feels very simply all alone.

A pregnant woman who is facing those horrific circumstances may be a woman who has an abusive spouse or boyfriend who is tormenting her. She is all alone in many instances.

Another pregnant woman may believe that she cannot support or care for her new baby at this point in her life. She is all alone.

Another woman might believe that her financial situation is so precarious that she cannot care for or raise a child. She may feel all alone and helpless. If she decides to bear a child, she needs our help. She needs our help to walk with her along that difficult journey—not only through the 9 months of her pregnancy but also through the early months and years of that child's life.

I believe that is an obligation we have. I know some may not agree with that, but it is important that we are honest about where we stand.

We understand that many women face that reality. So what do we do about it? Do we say: That is too bad and that is kind of their problem and let them find their own way or there is a little program down the street that might help them or there might be a little government program over here or there might be some charity that will help them. They will do fine. Don't worry about them.

This country has shown a capacity to reach out and help people who are in crisis, to try to give people a sense that they are not all alone, that there are lots of ways to help. Unfortunately, neither political party has adequately met this challenge, in my judgment. We hear a lot of discussion about it. We hear a lot of sentiment about it. But we do not do nearly enough about it.

Here is what the amendment will do. First, it will provide assistance and support for pregnant and parenting college students. Second, it will provide assistance and support for pregnant and parenting teens. Third, it will improve services for pregnant women who are victims of domestic violence, sexual violence, and stalking. And fourth, it will increase public awareness of the resources available to pregnant or parenting teens and women.

Let me give some examples of these services. First, funding for colleges to provide pregnant and parenting resources located on campus or within the local community and improve such resources, including: the inclusion of maternity coverage, which a lot of insurance companies do not provide now, unfortunately and insultingly, in my judgment; make available riders for

coverage for additional family members in student health care on a college campus; make sure that woman, if she has chosen to bear a child, gets housing and childcare and flexible or alternative academic scheduling to allow her to remain in school; education to improve her parenting skills; maternity and baby clothing, baby food, baby furniture—all of the things some of us take for granted in our families prior to or upon the birth of a child.

The other part of this is funding for programs that help pregnant and parenting teens stay in or complete high school and prepare for college or vocational education, by providing resources and assistance.

Next, assistance to States in providing intervention services, accompaniment and supportive social services for pregnant victims of domestic violence and other kinds of violence as well, to start.

Finally, making people aware, providing public awareness and outreach so that pregnant and parenting teens and women are aware of the services available to them.

We cannot stand here on the floor and say we care about these folks and we want to help them if we are not willing to make good on that promise. It is not enough to have good intentions. It is not enough to say there might be a program out there. We know for sure that at least these three categories—maybe others could add to it, maybe others may not, but these three categories of pregnant women are in many cases all alone. Neither political party nor our Government—and I would argue other parts of our society—are doing enough. It is time as we debate health care that we say one part of our health care system is going to be made much better.

In addition to the substantial changes on protecting families from the ravages of what insurance companies have done to some families, protecting them at long last, those with insurance, ensuring 30 million Americans, cutting the deficit, having prevention strategies, controlling chronic disease and making it something we can manage better, and save money—all of that is important. But I do not think in the debate here we should leave out those who are asking for a little bit of the help we are not giving them.

We should never ask a pregnant woman to walk that journey all alone. I think that is the least we can do in this Chamber, in this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, my friends on the other side of the aisle have taken to the floor to make the argument in favor of the Reid bill that it eliminates a so-called hidden tax. What is this so-called hidden tax? The other party argues that there is a hidden health tax that families pay in increased premium costs to cover the

costs of caring for the uninsured. In short, when doctors and hospitals provide treatment to the uninsured they are forced to compensate for this “uncompensated care” and do so by charging more to private health insurers. The cost of this care that is shifted to the insurers is then passed on to health care consumers in the form of higher health insurance premiums. Unfortunately, this so-called hidden tax is often overstated.

Families USA conducted a study attempting to quantify the cost shift associated with uncompensated care. According to this study, about \$43 billion in uncompensated care is shifted to private health insurance which led Families USA to conclude that there is a hidden tax of about \$1,100 that families pay in increased premiums. A Kaiser Family Foundation study dissected the Families USA numbers and estimated that the total amount of uncompensated care shifted to private insurers was closer to \$11 billion, making the so-called hidden tax around \$200 for a family, compared to the \$1,100 that Families USA said. Let me give some ground to my friends on the other side and assume that the hidden tax does equal that higher figure, \$1,100, as compared to the Kaiser Family Foundation figure of \$200.

The Democrats’ bill does not get rid of the hidden tax entirely. Actually, this bill makes it worse. How? First, the Democrats’ health care reform bill still leaves a large number of Americans uninsured. Specifically, the Reid bill leaves 23 million out of 54 million still without health insurance at the end of this decade, remembering that this bill does not actually take effect until 2014. So between 2014 and at the end of the budget window, we still have 23 million people without health insurance. At best, the reform in this 2,074-page Democratic bill cut the hidden tax in half; in this case, to about \$500 for a family.

The Reid bill adds, however, new hidden taxes. These impose \$67 billion worth of so-called fees on health insurance companies and self-insured arrangements beginning in 2010. The Congressional Budget Office, the Joint Committee on Taxation, the non-partisan experts and official congressional scorekeepers have testified that these fees will be passed on to health care consumers.

The Congressional Budget Office and the Joint Committee on Taxation have further testified that this will result in higher insurance premiums for all Americans. The actuaries at Oliver-Wyman estimate that the fees imposed on health insurers would add \$488 to the cost of the average family health insurance policy. A new hidden tax is also created as a result of the Medicaid expansion and Medicare cuts. The major cost shift in health care derives from the government programs, Medicare and Medicaid, which reimburse providers at rates roughly 20 percent to 40 percent lower than what private pro-

viders pay to the same doctors and hospitals.

President Obama understands that paying doctors below market rates leads to a cost shift. After all, in a townhall on health care reform, the President said:

If they’re only collecting 80 cents on the dollar, they’ve got to make it up somewhere, and they end up getting it from people who have private insurance.

The Medicare and Medicaid cost shift will be increased significantly under the Democrats’ health care reform bill. According to CBO’s estimate, Medicaid will be increased by more than 40 percent, from 35 million to 50 million people by the end of the budget window in 2019. Additionally, the bill includes almost \$½ trillion in Medicare cuts which will result in lower payments to providers.

The actuaries at Milliman Consulting studied the current cost shifting resulting from Medicare and Medicaid underpaying providers and found that this cost shift for Medicare and Medicaid totaled almost \$89 billion per year, adding \$1,788 to the current family health insurance policy. Increasing the current Medicare and Medicaid cost shift, as a result of this 2,074-page health reform bill before us, would add even more cost to a family health insurance policy.

The easier cost shift to address would be the \$1,700 cost shift from defensive medicine. The Democrats do not address cost shift from defensive medicine which Dr. Mark McClellan, former head of CMS, and Daniel Kessler estimated adds \$1,700 in additional cost per average family. Addressing this reform alone could save more than covering all of the uninsured.

So you see, the Democrats say their bill will eliminate the so-called hidden tax. My friends seem to come up short on that one. Also, my friends add new hidden taxes that will burden middle-class Americans.

I ask my friends to be transparent when they are talking about getting rid of the hidden tax. The Democratic health reform bill actually makes things worse.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Utah.

Mr. BENNETT. Last night, I held a telephone townhall meeting. As usual, because we get over 10,000 people on the telephone townhall talking to us, I said: This is a meeting that is open to any subject you can talk about.

Overwhelmingly, they all wanted to talk about health care. I had one call where the fellow said he liked this health care bill. He was a small businessman. He said: This will help me as a small businessman, and why are you opposed to it?

I said to him: I have been a small businessman, and I would like to point out to you that NFIB, the organization that helps small business, is opposed to it. And I went through some of the reasons. Then I told him of other small- or

medium-size businessmen in Utah who have said to me: If this bill passes, we are out of here. We could do our manufacturing overseas. We could send our product to South America and have it made there. We have stayed in Utah more out of patriotism than money. But if this bill passes, the impact on us in small business will be sufficiently great that we will leave Utah. We will leave America. We will take all of these jobs and go overseas.

That was that one discussion with the one caller. Every other caller talked about the health care bill and said: Don't pass it. Every other caller was opposed. There was only the one who made comments in favor of it, comments on which I think I was able to dissuade him.

Every other one came up: Do you want to talk about Afghanistan?

No, we want to talk about health care. We are opposed to this bill.

Do you want to talk about some other aspects of what is going on in Washington?

No, we want to talk about health care, and we are opposed to this bill.

Over and over, the only other subject that came up that I can recall with any regularity—there were several calls that talked about cap and trade and expressed their opposition to that. But, overwhelmingly, the entire hour was people who were saying: We are opposed to this bill.

I want to share with the Members some aspects of the reaction of Utahns to the campaigns that have been mounted by various groups in favor of this bill. Let's go to the campaign that has been mounted by the AARP. AARP is one of the strongest lobbying organizations in the country. Indeed, there are those who say it is the most powerful lobbying organization. AARP, in an effort to make sure this bill gets passed, has prepared preprinted petitions and sent them out to their members. Here is a copy of one. It is addressed directly to me and was sent to people in the State of Utah: "Petition to Senator Robert F. Bennett. Dear Senator Robert F. Bennett, As one of your constituents . . ." so on and so forth.

Then all the AARP member has to do is sign it and send it to me. This one was sent to me. But as we can see, he didn't just sign it, instead he wrote on it. This is what it says in handwriting:

Absolutely not! Please vote against current legislation being proposed by the current administration and endorsed by the AARP.

The "not" is underlined. He signed his name. I have taken it off this facsimile to protect the man's privacy, but he made it clear that he was not in favor of what the AARP was saying and doing in this situation. We have others who have said the same kind of thing.

Here is a letter I will quote from:

Senator Bennett, please do not vote to pass the health care bill that contains a public option. The present medical is broken and surely needs fixing. However, it should be

done in ways that do not bankrupt the country, close hospitals and doctors offices.

Who is saying this? He says:

I will probably withdraw from AARP since they support the present health care proposals. Several of my doctor friends have withdrawn from the AMA due to its support of these proposals.

Then he signed his name, and his initials make it clear he, too, is a physician, a member of AARP who clearly wants to drop out of AARP, and a member of AMA who supports those who drop out of the AMA.

Let me quote from another physician who wrote a lengthier letter, more analytical. I will quote from parts of the letter. He starts out:

As a practicing Utah physician, I see and treat patients every day. I try to accurately diagnose what their troubles are and offer an incremental plan for their recovery. I am thorough, methodical and exacting in my plan, purposely first doing no harm, as my Hippocratic oath reads, not making the situation worse, not causing more pain or suffering. The Senate bill before you will make America more ill, with increased pain and suffering. I plead with you to first do no harm. Please do not make the situation worse as with the current bill. It is beyond repair. Please recognize that the Senate plan will add to America's ills.

Then he goes on later in the letter to make this comment:

Patients ask me why the AMA appears to support this bill. They sense that the AMA is not looking out for patients and doctors. I agree that the AMA is misdirected and explained that the AMA represents fewer than one in five U.S. doctors and has compromised its mission.

I find that interesting. I didn't realize that the AMA membership had dropped so low. When I first became interested in politics, the AMA represented virtually every doctor in the country. Not anymore.

I tell my patients about the multitude of other medical organizations of which I am a member, state medical organizations, specialty groups, and the Coalition to Protect Patients Rights, representing thousands of doctors who actively oppose the Senate bill in its entirety and are fighting for patients and the right fixes for affordable, quality care.

Well, as I found out in my telephone town meeting, which covered the entire State—and with no filtering on the part of my staff as to who could get in and who could not—this is, indeed, very clearly the majority opinion for members of the State, seniors who presumably belong to AARP, and physicians who either used to belong to the AMA or understand the AMA.

Here is an e-mail from a doctor. I cannot pronounce the specialty he is in. He says:

As a constituent and practicing—

And then he goes on to say whatever kind of "ologist" he is—

I strongly urge you to oppose the passage of the current Senate healthcare reform legislation. . . . Although our nation would benefit from targeted healthcare reform, the proposed legislation is not the answer and will harm, not help, healthcare delivery in our nation. . . .

As surgeons, we take pride in our work and strive to provide the best patient care possible. We will support reform efforts that truly preserve access to high quality specialty care without jeopardizing the physician-patient relationship. As such, I oppose the "Patient Protection and Affordable Healthcare Act" as it has the potential to seriously compromise the delivery of healthcare in the United States by creating additional pressures on an already overburdened healthcare system.

Well, I have a number more. I will not go into all of them; I will just pick a few from the stack I brought with me.

Here is one:

I am a Surgeon who has been practicing for about 30 years. I am against the total overhaul of the health care system. All entitlement programs are not cost effective and all are in danger of bankrupting the U.S.

Here is one, who is a retiree, who says:

Please vote against these healthcare "reforms" that will limit options, cost us all more and reduce our freedoms. We need real change: portability, tort reform, and less government control.

Back to the doctors. He says:

Dear Mr. Bennett,

I am a pediatrician in Utah and met you at the hospital in Orem. Thank you for your opposition to the current process happening in Washington. We do not need to rush through and push the American people into government run health care and more red tape. Medicaid is already my biggest head ache in my practice.

And so on and so forth, as I say.

I want to make this other point with respect to all of these people who are so concerned that we will have an immediate bad impact if this bill passes. They do not realize—and I did my best to point this out to those who were on the telephone townhall meeting last night—that this bill will not fully take effect—indeed, most of the aspects of this bill will not take effect—until January of 2014. That is correct, January of 2014—4 years away.

Here we are meeting on weekends, coming in here on Sunday, driving to get this done by Christmas because it is so pressing that we have to do it, and, by the way, we are not going to start, really, any of these reforms for 4 years. So these people who are writing me, these doctors who are complaining about AMA's endorsement, these people who are complaining about AARP not representing them, are worried about an immediate impact.

Let me tell you what the immediate impact of this bill will be. The immediate impact of the bill will be financial. The taxes will take place immediately upon passage. The increase in premiums will begin to start on passage, as the pressure on the insurance companies, the pressure on manufacturers, the pressure on pharmaceutical companies will all begin with the passage of this bill. But all of the wonderful things we are being promised as benefits from this bill will be delayed for 4 years. Why? There is only one reason why: in order to use smoke and mirrors in the budgetary process to

make it look as if this is cheaper than it really is. If you get the money coming in for 10 years but the expenses only going out for 6 years in your calculation, it looks as if it is a whole lot cheaper than it really is.

The only honest way to score this is to say the expenses start the same day the taxes start, the expenses going out start the same day the revenue coming in starts. Then you get an accurate description of how much this costs.

I cannot imagine any businessman going before his board of directors and saying: I have a new program I want to institute in this company, and it is going to cost X, and here is how I have calculated it is going to cost X. I am calculating the revenue from the sales of the product over a 10-year period, but the actual sales will only occur in the last 6 years.

His board of directors would take one look at him and say: There is no way we can make a strategic plan based on that kind of smoke and mirrors. What in the world is wrong with you to do accounting of that kind?

He will say: That is the kind of accounting I learned from the U.S. Senate—start counting the revenues immediately, but don't count the expenses until 4 years later.

Well, let's look at the impact of that 4-year gap and tie it to the messages I am receiving from my constituents, and I think we will see something very interesting happen. Between now and the time the benefits of this bill begin to take hold, there will be three or four open seasons of people who will look at their health care plan and be allowed to make changes in it. They will see the costs go up, and they will say: Wait a minute, what is happening here? The costs are going up, but there are no changes coming from this bill the Senate passed back in 2009—or 2010, if we push it until next year. What is happening?

Well, your costs are going up in anticipation of the costs of this bill that will take hold in January of 2014.

At that point, the anger we are seeing from constituents now will get worse. The anger we are seeing in the e-mails and letters I am receiving now will get more intense, and people will start to say: You mean I am being forced to pay extra premiums in 2010 because the government needs to accumulate cash against the time when these great changes hit us in 2014? When they start writing me that kind of complaint, I will say: That is exactly what I mean. The government is going to start taxing you in 2010, but they are not going to do this program until 2014—at which point, the outcry from constituents will be: Well, let's stop the taxes and let's kill the effective date of 2014.

I am not sure I can predict that with certainty, but I can go back in history and remember the catastrophic bill that was passed with respect to Medicare, and the senior citizens suddenly discovered how much it was costing

them. The outcry was so overwhelming that the Congress, within a matter of 6 months of the passage of the bill, repealed the bill. I remember the pictures that appeared in national magazines of Congressman Rostenkowski, who was at the time the chairman of the Ways and Means Committee, being accosted physically when he went home to Chicago by seniors who would stand in front of his car and not allow him to move, who would sit on the hood of his car to block his way in every conceivable way. The outcry was enormous when they saw this increased cost for something where they did not see a corresponding benefit, and Congress responded to that outcry and repealed that bill.

In this case, there will be a 4-year period for the outcry to build before they start to see the benefits, if, indeed, the bill does confer benefits. There will be a 4-year period with that many open seasons for people to look at their programs and see their premiums go up and see their plans change and see the adjustments made in preparation for this, adjustments they will not want; 4 years in which they will see the statement of the President of the United States, that "if you like your plan, you don't have to lose it," prove not to be the case.

In that 4-year period, it is entirely possible that the outcry from constituents, like the ones who are complaining now, will have tremendously more impact and more force. I hope that is, indeed, the case, if we pass this bill. I hope that in that 4-year period, before we start to see the wonderful things we are being promised from the other side of the aisle come to pass—the increased premiums, the increased taxes, and the increased costs will be with us—the people of this country will rise up and say: We want this bill repealed. They have 4 years in which to do it, 4 years in which to think about it, 4 years in which to experience it.

Why are we rushing to get this done before Christmas when we have 4 years before the thing finally kicks in? Let's take the time to do it right. Let's take the time to listen to our constituents. Let's take the time to listen to the American people who are examining this bill and, by ever-increasing margins, telling us again and again that they do not like it.

We have heard from many people the reactions of the polls. The Quinnipiac Poll made the comment: It is a good thing the Senate is not letting the American people vote on this bill because the American people are against it. We have seen the Gallup Poll show a tremendous swing, as their people are against it. The more they know about it, the less they like it. Yet we are trying to rush it through in the holiday season to get it done before Christmas even though it is 4 years away before all of the wonderful things that are being promised will surface.

Mr. President, I think my constituents have it right. I think those people

who belong to AARP who are saying they are going to drop out because of AARP's endorsement are right. I think those physicians who say they are either not members of the AMA or they are going to drop out from the AMA because of the AMA's position are right. And I think if we cram this thing through in a sense of urgency, even though it is 4 years from implementation, we will see an outcry in the intervening 4 years from the American people that will cause Members of the Senate to wish they had taken more time to examine it all, to do it right, and not to panic over pressure from various special interest groups that see ways in which they can profit from this.

The American people, the American physicians, the American patients all see ways in which they will be hurt, and I speak for them, as they say: Slow this down. Do this thing right. Do not panic under pressure of an artificial time deadline.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

IN PRAISE OF WENDY TADA

Mr. KAUFMAN. Mr. President, I rise to speak today about my great Federal employee of the week who works at the Department of Education.

Whenever I enter this hallowed Chamber, I never fail to notice the inspirational words written on each wall above the doors. Above the east door is inscribed the Latin phrase "Annuit Coeptis," or "Fortune favored Us in Our Beginnings." This refers to our Founders' belief that Providence looked kindly upon our Republic during its earliest days.

In that time, ours was mostly an agrarian society. Town life centered on planting seeds and harvesting crops. Children worked alongside their parents in the field, and when it came to their education, homeschooling or learning to read and add in a one-room schoolhouse was the norm.

Thomas Jefferson wrote, some years after his Presidency, that "Science is more important in a republic than in any other government." It was this belief in the importance of knowledge and reason—including political and historical literacy—that led education pioneers such as Horace Mann to promote universal schooling in the early part of the 19th century.

Shortly before the Civil War, access to compulsory and free public education spread across the country as States passed laws inspired by this principle. The Morrill Land-Grant Colleges Act provided for the construction of some of our Nation's greatest colleges and universities in the late 1800s. In the early years of the 20th century, States increased access by expanding free, compulsory education to include high school. The last 60 years saw dramatic advances in this area, with the legal desegregation of schools and the passage of critical legislation such as the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act.

I am proud to have been serving in the Senate earlier this year when we passed the American Recovery and Reinvestment Act. That legislation sent much needed funding to fix schools, make student loans more readily available, and to keep teachers in the classroom. The Recovery Act so far saved over 230 teaching jobs in my home State of Delaware alone.

In 1980, the U.S. Department of Education was created, and its employees have been working tirelessly to make sure students from all 50 States, including Delaware and Rhode Island, receive the same strong support. They oversee the Federal loan programs that enable tens of millions of Americans to afford college and postcollege studies. They help develop policies to ensure that Americans with physical and intellectual disabilities have education programs in their communities and can pursue a full range of opportunities.

Wendy Tada, who has worked at the Department of Education for 9 years, is one of those outstanding employees. When she arrived at the Department in 2000, Wendy already had a great deal of experience working to expand opportunities for rural special needs students in Hawaii and Alaska.

Wendy, who is a lifelong learner herself, holds a bachelor's degree in psychology from Seattle University, a master's in physical therapy from Stanford, and a master's in public health from San Diego State. She also earned a doctorate in developmental psychology from the University of California in San Diego.

Wendy's experience includes working at the State and local levels. She provided physical therapy to disabled students in Washington State, developed an education curriculum for special needs children in Hawaii and its remote Pacific Islands, and evaluated health and education services in Native Alaskan villages.

Wendy has taught college and graduate courses in education and public health at the University of Washington and the University of Hawaii.

Her first job with the Department of Education was as a research analyst in the Office of Special Education Programs. Wendy's talents and experience led to a promotion within a year, when she became Chief of Staff to the Assistant Secretary overseeing that office. She continued as his top adviser when he was appointed to serve as Assistant Secretary for the Office of Vocational and Adult Education. In 2006, Wendy became the Chief of Staff to the Deputy Secretary of Education.

This January, after a brief stint as an education analyst for the Office of Management and Budget, she was asked by the Deputy Secretary of Education to serve as senior adviser for policy and programs.

During her years in the Department, Wendy has been instrumental in developing important regulations and guidance documents relating to IDEA and title I of the ESEA. Today, her time is

spent in developing and putting into practice education programs funded by the Recovery Act.

One of the central programs under the Recovery Act is the new Race to the Top Fund. This initiative represents the largest Federal competitive investment in elementary and secondary education in our history. It will offer over \$4 billion—that is billion—in grants to States to develop comprehensive education reform plans. This will help all States, including Delaware, save even more teaching jobs and add new resources for schools.

Wendy's work and that of her colleagues throughout the Department of Education continue to benefit American students nationwide. They ensure that all our children are favored in their beginnings so they may pursue the opportunities they deserve. Education is, without a doubt, the most important investment our Nation can make, for its dividends are our future prosperity and global leadership.

I hope my colleagues will join me in honoring Wendy Tada and all the hard-working employees of the Department of Education for their service to this country. Our future is in their hands.

I yield the floor.

THE PRESIDING OFFICER. The distinguished Senator from Arizona.

MR. KYL. Mr. President, I wish to say a few words about the legislation which is pending before us, which is the Omnibus appropriations bill. It is a bill that will substantially add to our national debt and substantially increase spending and I think it is worthwhile to point out some of the features of this bill, since presumably we will be voting on it sometime this weekend.

I would start by pointing out that our national deficit for the past fiscal year now stands at \$1.4 trillion. So the fiscal year which just concluded added \$1.4 trillion to the national debt. That is the largest deficit we have ever had, by far. It is about three times as much as the largest deficit under the Bush administration. Our current unemployment level is at 10 percent, despite the administration's insistence earlier this year that Congress pass a \$1 trillion-plus stimulus package that was supposed to reduce unemployment. The Senate is currently in the middle of a debate on a health care bill that has a 10-year implementation cost of \$2.5 trillion. Sometime in the next month we will be forced to raise the Nation's debt ceiling for the second time this year to a level that exceeds the current ceiling of \$12.1 trillion.

If all that were not enough, we are now presented with this Omnibus appropriations bill that costs nearly \$500 billion more; to be exact, \$446.8 billion. This is simply irresponsible. When is it going to end? We are piling spending bill on spending bill and debt on debt. At a time when many Americans are being forced to get by on less, the majority has crafted a bill that uses the government's credit card to increase spending on the six appropriations bills

that make up this package—by how much? By 12 percent total.

For perspective, according to the Bureau of Labor Statistics, the consumer price index, the CPI, the measurement of inflation over the past 12 months, was .2 percent. So the cost of living is going up by .2 percent. Yet we are giving these government agencies 12 percent more money for next year. Let me give some examples.

The Transportation-HUD bill receives a 23-percent increase over last year. Has anybody had their income go up by 23 percent over last year? Well, if you are in the Federal Government, you can make it happen. That is not responsible.

How about the State-Foreign Operations bill, a 33-percent increase, a third over last year—a 33-percent increase. Included in that is a 24-percent increase for the State Department's salaries and operations account. That is not responsible.

The Commerce, Justice, and Science bill receives a 12-percent increase over last year. At least that is the average of the six bills in total.

How about earmarks? Well, they are in here, big time. According to Taxpayers for Common Sense, this bill is larded up with 5,224 earmarks—5,224 earmarks—that total \$3.8 billion. That is not responsible.

Some examples include \$600,000 for a streetscape beautification in California and \$300,000 for Carnegie Hall music and education programs in New York City. In the current economic environment, that doesn't seem to be the most responsible use of Federal taxpayer dollars.

If the irresponsible levels of spending were not bad enough, the bill makes a number of significant policy changes as well. Ordinarily, we are not supposed to have policy changes in an appropriations bill, but when you lump them all together in a take-it-or-leave-it form, such as this omnibus, well, if you are the majority, you think you can get away with it. Here are 134 examples.

With respect to the fairness doctrine, this omnibus does not include the fiscal year 2008 ban on Federal funds being used to enforce or implement the so-called fairness doctrine—so nothing to implement or enforce the so-called fairness doctrine.

The bill makes some changes to several longstanding policy provisions contained in the financial services bill and specifically the District of Columbia section dealing with abortion, medical marijuana, needle exchange, domestic partners, and the DC Opportunity Scholarship Program. That program has been enormously popular and enormously successful. Yet this bill provides only enough money—\$13.2 million—to allow the currently enrolled students in this popular program, the DC Opportunity Scholarship Program, ultimately leading to the termination of the program. I have met with some of these students and their parents. They are doing very well because of the

environment in which they are finally able to study and learn and be safe. This program is so popular that people have lined up in long queues to take advantage of it. Yet we are going to terminate the program as a result of language in this bill.

Well, it is a cross between irresponsible policy and spending.

The bill reduces funding for the Office of Labor Management standards at the Department of Labor by 10 percent. This is the office that investigates union activity and the use of membership dues. Since fiscal year 1998, it has secured 1,400 convictions, resulting in the return of \$106 million in embezzled funds to union workers. So where are our priorities? The only place where we see cuts in this bill are in areas where, in this case, the Department of Labor has been enforcing labor law and getting convictions for embezzlement of workers' funds. This is not an area where we want to cut, unless, of course, you are trying to do the bidding of the labor unions who don't like to be called to account for embezzlement of trust fund moneys of their members.

Well, what is missing from this bill? Despite spending nearly \$500 billion and covering 6 of the 10 appropriations bills, this bill is significant for what it does not include: The fiscal year 2010 Defense appropriations bill, arguably the most important bill yet to be acted upon. Just shortly after President Obama announced his surge strategy for Afghanistan, the majority has decided to play politics on the backs of our troops. The majority is holding the Defense bill back from this package so it can be used as a vehicle for other purposes; for example, to increase our Nation's debt ceiling and potentially push through a number of other bills that likely don't have the votes to pass on their own. That is wrong. While our commanders in the field and civilians at the Pentagon wait, our other less-urgent appropriations priorities will receive double-digit spending increases. That is not responsible and it is not right.

Given what I know about this bill—and I haven't had a chance to read it all yet—I would echo my friend in the House, Republican leader JOHN BOEHNER, who requested the President uphold his campaign promise to go through the budget, line by line, and eliminate irresponsible and wasteful spending.

I can assure my colleagues, we will go through this and we will identify those earmarks and we will bring them to the attention of our colleagues, and we will, undoubtedly, because of these spending increases and earmarks and bad policy, attempt to defeat this legislation.

Finally, I wish to make reference to some comments I saw delivered by Dr. Christina Romer, Chair of the White House Council of Economic Advisers, as I was drinking my coffee and watching TV a couple days ago. This was on CNN's "American Morning" program

on December 8. I was rather startled because she said she was getting rid of the jobs deficit and dealing with the budget deficit, two big problems we inherited and absolutely have to deal with.

Well, it is true, on January 20 of this year when President Obama took office, we had a deficit and we also had a problem with unemployment. The problem is in inferring they are doing something about it, whereas the Bush administration created the problem, I think they create a misimpression. So I asked my staff to get just two numbers. What was the national debt the last day of President Bush's second term and what is it today—or actually December 7 is the date we got the number for, the 322nd day of President Obama's term. In other words, Dr. Christina Romer was saying these are big problems we inherited and we have to deal with them. So how have they dealt with them? Well, it turns out the national debt the last day of President Bush's second term was \$10.6 trillion. What is it today, 322 days later? It is \$12 trillion. That is some way to fix that problem.

If they are going to complain about the national debt, then get it reduced instead of increased in less than a year—it has gone from \$10.6 trillion to \$12 trillion; that is \$4.5 billion in new debt every single day. These are not my numbers, these are the official statistics of the Bureau of the Public Debt.

The other statistic was unemployment. "We inherited unemployment." That is true. I don't know the average, but I think it is somewhere around 4 or 5 percent in our country. On the last day President Bush was in office, unemployment stood at 7.6 percent. I thought, given the stimulus package, surely we have reduced unemployment. What is the unemployment number today? It is 10 percent—after nearly a year of President Obama's failed \$1 trillion stimulus experience.

When Dr. Romer said "we inherited this problem," my immediate reaction is that the President has been in office for a year. What has he done about it? Answer: It has gotten worse. We have added well over \$1 trillion to the national debt, and unemployment is now up to 10 percent from 7.6 percent under President Bush.

Some fixing of the problem. I suggest that President Obama and his White House officials and staff stop trying to blame President Bush for everything. If the President has been in office long enough to get the Nobel Peace Prize, presumably he has been in office long enough to do something about the public debt or unemployment.

He has done something about it all right: Unemployment is up from 7.6 percent to 10 percent, and the national debt is up from \$10.6 trillion to \$12 trillion.

In view of these facts, it doesn't make sense to me to pass a nearly \$500 billion omnibus appropriations bill,

with departments of this government receiving 26, 30, and 33 percent increases in their budget, when the CPI has only gone up .2 percent this year, and when Americans are scrimping and saving and trying to get by with less. It makes no sense at all.

I hope my colleagues, as we consider this omnibus appropriations bill before us right now, will take these things into consideration before we vote to pile yet more debt on the backs of our taxpaying constituents.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I want to speak for a few minutes on the Labor, Health and Human Services, Education, and Related Agencies appropriations bill. The Senator from Michigan was kind enough to let me do this now, even though she had been on the floor.

I ask unanimous consent that at the end of my comments, the Senator from Michigan be recognized.

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

Mr. HARKIN. Mr. President, as chairman of the subcommittee on Labor, Health and Human Services, Education and Related Agencies, I want to take a few minutes to go over the bill we have before us, the so-called "minibus."

I wish in the beginning the Senate could have debated and voted on the Labor-HHS bill individually, rather than having it as part of the so-called minibus. Unfortunately, it is now December. We still have to complete the health care bill and, frankly, we have run out of time.

However, I want to assure my colleagues that the Labor-HHS appropriations bill is a bipartisan bill. We worked closely with Senator COCHRAN and his staff to reflect Democratic and Republican priorities alike. That is the tradition in our subcommittee—one we take very seriously.

In fact, the full Appropriations Committee approved our bill by a vote of 29 to 1. You cannot do much better than that to accommodate the concerns of both parties.

I also want to assure Senators that this is a fiscally responsible bill. Overall, our bill increases discretionary spending by just 2 percent over the fiscal year 2009 Labor-HHS appropriations bill.

With money so tight, we had to be selective about which programs received increases. One high priority is worker protections. Agencies that enforce rules protecting the health, safety, and rights of workers have been seriously shortchanged in recent years. This bill adds \$121 million over last year's level and brings staffing levels at the Occupational Safety and Health Administration, the Employee Benefits Administration, and the Employment Standards Administration back to where they were in 2001. This means the agencies will have the resources they need to prevent wage theft and ensure safe workplaces for our Nation's workers.

The bill also includes a 50-percent increase—a total \$1.1 billion—to reduce improper payments, fraud, and abuse from mandatory benefit programs, such as unemployment insurance, Medicare, and Social Security. These antifraud, anti-abuse measures could result in over \$48 billion in savings and increased revenues over the next 10 years.

Another priority we had was getting people back to work. This bill provides an increase of \$72 million, or 43 percent, for nurse training programs, including a new program to train nursing home aides and home health aides.

This bill also provides a major increase—\$260 million—for the national service programs. This will boost the number of AmeriCorps members significantly and create a new social innovation fund that will help small nonprofits tackle a host of social programs.

In the area of education, increases are targeted to programs that are designed to reform schools, such as performance-based pay for teachers and principals, charter schools, and a comprehensive new literacy program.

Providing increases, such as the ones I have described, meant making some tough choices. Our bill eliminated 11 duplicative and ineffective programs, and we cut several others. Not everybody will be happy with all of those decisions. I may not be happy with all of them, but we did the best we could, struck compromises, and I stand by the outcome.

I also support the other five bills in this minibus, if I might say that. I worked closely with our colleagues on the Appropriations Committee. I want to particularly thank Senator MURRAY regarding her work to allow fiscal year 2009 Community Development Block Grant funds to be used as a match for other Federal programs. The reason this is important is because many States and local governments were hard hit by both disasters—such as the floods in Iowa—and the poor economy. They would have great difficulty providing Federal match requirements without this modification. I thank Senator MURRAY for putting that in her bill.

I also thank Senator DURBIN for the inclusion of a provision regarding auto dealers. In my State, there are a number of decisions that were made by General Motors to close down certain dealerships that met the criteria set down by General Motors for staying in business. I hope this provision that Senator DURBIN put in will allow for needed fairness for a number of these family businesses.

Again, I believe the package of bills we have before us is fiscally responsible. They move our country in the right direction, and I hope the Senate will approve them as soon as possible so we can send them to the President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, before my good friend from Iowa leaves the floor, I thank him for his wonderful leadership on the health care reform bill, on the appropriations that he chaired—formerly on Agriculture. It has been a pleasure to partner with him on so many things.

Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 20 minutes.

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

Ms. STABENOW. Mr. President, I want to talk about health care. I have to say that if 20 percent of what was being said by our Republicans friends was true about this bill, I could not vote for it either.

I keep hearing things described that have no relationship to the reality of the bill that I helped to write in the Finance Committee, or my friends helped to write in the HELP Committee or the bill that is on the floor now. I see all kinds of comments that, frankly, concern me because I don't see them reflected in the reality of the legislation in front of us.

I encourage people to take the opportunity to read the bill or the summaries. For the people in Michigan, we have had it up on our Web site, and we have had every bill, as it is introduced and passed, on the Web site, so people will have an opportunity to look at the information available.

I do know this: What we have been hearing from our colleagues is not good enough, when we think about the fact that we had a Congress and a White House for 6 out of the last 8 years that was controlled the by Republican Party and yet nothing was done. Proposals have come forward now about all these things that should be done. But they weren't done when they were in charge. What we saw was a lot of tax cuts for the wealthy people and a lot of no-bid contracts for friends of people in the administration. We saw a lot of things that didn't affect people in my State very positively and didn't help the working people in my great State of Michigan.

But now, as we are trying to move forward and do something for people, for small businesses and large businesses, and bring down costs and provide health care for people, there are all kinds of suggestions about why we should wait and do it over. What I heard in committee and what I am hearing now on the floor, as a proposal—because we don't have a Republican bill in front of us or one that has been offered—is this: Wait, wait, wait. We don't need to do this. That doesn't have to be done right now. There is no sense of urgency. We should wait, wait, wait.

That is what we hear. We hear that business as usual for the insurance companies is OK. Let them decide what is covered—if you can find insurance—and how much it should cost, whether or not they are going to be able to provide a test for you or an operation for

you. That is OK. Let the insurance companies continue to be the ones between you and your doctor. That is what we have seen over and over. We saw it in committee. Every time we were trying to lower costs for families and small businesses, they were on the side of helping the insurance companies. They were willing to take tax cuts we put in the bill, and they offered amendment after amendment that would have had higher costs for middle-class families and small businesses, in order to help the insurance industry.

I will share a few stories from people who have become part of our health care people's lobby through my Web site, who have been willing to share stories.

David is from Sutton's Bay, which is a beautiful part of Michigan. We would love to have you come visit. It is a gorgeous part right on the water. David says:

I'm a 61-year-old cancer survivor with diabetes and high blood pressure. I am self-employed, and lately, uninsured. I worked all my life to build a stake here in farm country and almost lost it last fall to foreclosure because of a medical emergency. This farm is all I have . . . the savings and cash are gone. I continue to work with no retirement in sight. I have put everything I had for retirement into my farm. Please, help me keep it.

I know that David is not saying wait, wait, wait. He wants us to act, and to act now, on something that will be meaningful and makes sense to bring down costs, to give him a chance to find affordable insurance that doesn't bankrupt him and his family.

I want to share also another story from Jeff from Rockford, MI:

It has been over five years since death stared me down. I was diagnosed with testicular cancer. Losing my job to a layoff, mortgage to pay, among other things—and my options were minuscule. I had no insurance then because there was none that I could afford.

I thank God and the staff at Grand Rapids Spectrum Health for my life today. Unfortunately, I am still \$25,000 in debt because of lack of coverage.

I served in the Marines from 1984–1988. One of their mottos is, "We take care of our own." Imagine what this country would be like if we all thought like that.

Jeff is right. We are in this together and, just as we have dramatically increased our support for our veterans and their health care, we need to make sure we are taking care of our own American families and American businesses.

Wait, wait, wait? I don't think so. I don't think that is what Jeff is asking us to do.

Jennifer from Hollow, MI:

I am married and have one beautiful little girl. But about 6 months ago, my husband's work informed us they would no longer be able to carry health insurance for their workers.

A very common story, having to choose between keeping people employed and paying for health care.

We could have gone on COBRA but it would have cost double what we were paying and we couldn't meet that cost.

Mr. President, as you know, we have worked to lower the cost of COBRA, and we hope to be able to continue that lower cost in legislation that will be coming up shortly. But it is still very expensive.

We are lucky because Michigan has a program for children, so we didn't have to worry about our daughter's coverage. When we went to look for insurance for my husband and me, the prices were steep or we were denied because of my preexisting condition.

That is one of the things we are going to change.

Right now going to the doctor is next to impossible, but to see a specialist is like asking for the Moon. We know that we are highly blessed. My husband has a job. That is more than a lot of people have. We just want affordable health insurance, and we don't mind paying for it. It just doesn't seem like too much to ask, does it?

No, Jennifer, it is not too much to ask, and that is what we are all about. We are all about putting together a plan—and that is what is in front of us—that will lower costs, that will save lives, save Medicare, that will focus on making sure each American has a health care bill of rights, has protections they know will allow them to make sure their health insurance will be available if they pay for it; that they cannot get dropped because of a technicality; that if they have a preexisting condition, they can still find affordable insurance; that there will no longer be lifetime caps on insurance policies; that we will allow our young people to stay on mom's or dad's insurance until age 26.

We have a number of changes we are making for people in the insurance exchange, for policies that take effect after the effective date of this act, and it is about making sure people have affordable insurance and they are getting what they are paying for. That is what this is about.

What happens if we do nothing—if we do nothing; if we wait, wait, wait, like the Republicans are saying? Every single day 14,000 Americans lose their health insurance; 14,000 people got up today with health insurance and they will go to bed without it. That happens every single day.

Insurance rates are going to double in the next few years, by 2016. Business costs are going to double. Increased premiums are going to cost us, it is expected, 3.5 million more jobs. I don't know about any of my colleagues, but we cannot afford to lose any more jobs in Michigan. Health care is directly related to jobs and our international competitiveness.

We know incomes of families will be reduced. We know every 5,000 homes will be foreclosed as a result of a health crisis, and 62 percent of the bankruptcies are as a result of a health care crisis.

Wait, like our Republican colleagues say? No, we cannot wait. The families, the people I talked about and read their stories, they cannot wait. Families cannot wait. Businesses cannot wait. Small businesses that cannot find

insurance cannot wait. Large businesses that are finding themselves in difficult situations, considering pulling up shop and going to another country because of lower health care costs cannot wait.

People expect us to solve this problem. They expect us to come together and work together, without all the stalling and the objections and the partisan politics. They expect us to come together and solve what is a huge American problem by bringing down costs and creating access to affordable health care where people know that the insurance company will not be the one that is standing between them and their doctor.

This is about saving lives, saving money, saving Medicare. Mr. President, 45,000 people will lose their lives in the coming year. And 45,000 families will have one less chair or an empty chair at the holiday dinners that are coming up because 45,000 people could not find affordable insurance in this country—Americans, in America.

Saving money—this is about making sure small businesses get the tax cuts they need to help them buy insurance, to make sure that families who are buying through the new insurance pool get the tax cuts they need to afford to buy insurance.

This is about making sure large businesses begin to see costs come down over time because when they are providing insurance already, they are not going to pay the extra costs of folks walking into an emergency room uninsured who are treated and then the costs get rolled over on to everybody with insurance.

We as a country are going to save dollars, save money over time for taxpayers and strengthen Medicare to bring down costs.

And, yes, we are going to save Medicare. We are going to lengthen the Medicare trust fund solvency. We are going to make sure overpayments to for-profit insurance companies are reined in so that the majority of seniors do not see their premiums go up under Medicare to pay for those excess profits.

We are going to make sure we are closing that gap in coverage for prescription drugs that has now been called the doughnut hole, where too many seniors or people with disabilities fall into that hole, cannot afford their medicine, and are not able to get the care they need.

We are going to make sure preventive care does not have an extra cost of a copay or deduction because we know it saves money and saves lives. Under Medicare, we are going to make sure that is there as well.

That is what this is about. It is not about waiting. It is not about all the other stuff we have heard that are scare tactics. This is about tackling and solving a problem for the American people that we cannot afford to wait to do any longer.

Coming from Michigan, I have to say everything I do, everything I care

about is about saving jobs. We know in addition, we truly are saving jobs. We are saving jobs for our large employers right now that provide insurance, have been doing the right thing for years but have seen their costs go up 10 percent, 20 percent, 30 percent every year and cannot sustain it anymore. They are cutting health care benefits, raising premiums, or laying people off because they cannot afford it.

We know our small employers under our package will save 25 percent. I believe we are going to be doing even more for small businesses.

We have tax credits to help companies, and, as I indicated before, our plan is going to save 3.5 million jobs that would otherwise be lost because of the increased health care costs that cause employees to be let go or companies to move overseas.

We are talking about saving lives, saving money, saving Medicare. We are talking about saving jobs.

What we are not talking about is waiting. We are not talking about stall tactics or politics. We are way beyond that. I understand there is a big strategy to make sure the President of the United States is not successful. There is a big strategy to make sure we are not successful in the Senate. We have seen more filibusters and more objections than ever before. The vast majority of the days we have been in session—I believe it is 39 weeks now—all but 4 of those we have seen filibusters. It has never been done before—filibusters and objections over and over again.

We are committed to getting beyond that and focusing on the reality of what is happening in people's lives. People are waiting for us to step up and to solve this problem and to give them the ability to have access to affordable health insurance for themselves and their families.

We are not proposing something radical. We are proposing that we fill in the gaps for the folks who do not have insurance today, most of whom are in a small business, most of whom are working maybe one, two, three part-time jobs but they are working and they don't have access to health insurance, or they are self-employed, as the gentleman I talked about, David, in Suttons Bay, maybe a farmer, maybe a realtor, maybe the next Bill Gates in their garage coming up with the next great invention. They don't have access to the same big insurance pool that a big business has to bring down costs.

What we are talking about for those folks who are working or have recently been laid off and cannot find insurance is giving them a way, a competitive way to buy insurance from an insurance pool.

I cannot imagine a more important Christmas present to give to American families than the ability to know going forward that when they lose their job, they are not going to lose their health

insurance; that they have an opportunity, a way to get affordable insurance, and that we have come together as a Senate to focus on saving lives, saving money, and saving Medicare.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I would love to interject a question to the distinguished Senator from Michigan.

We are in a situation in which the other side is repeatedly coming to the Senate floor to ask us to delay, to stop, to slow down, to start over. I am curious, as somebody who has watched this debate very closely, what the Senator from Michigan thinks about where we would be if we acceded to that wish? Bearing in mind that one of the sort of ideological firebrands who seems to be leading a measure of the debate on the other side has indicated this is not about health care and people; this is about giving President Obama a Waterloo; this is about creating a political defeat for the President of the United States on their side; it has nothing to do with health care; it is entirely about creating a defeat for this new President; when, in the face of all the obstruction the distinguished Senator from Michigan described so eloquently, this recordbreaking, "unprecedented in the history of the Senate" obstruction we are seeing, the person whom I think right now seems to characterize the leadership of the radicalized rightwing and is running the Republican Party, Rush Limbaugh, is telling the other side they have not been obstructive enough.

So if we were to go back, start all over, and reach out our hands again to our friends on the Republican side, is there any reason to believe that we would not be just as rebuffed going forward as we have been in the long arduous process of negotiation and hearing and public meeting and all of the work that has taken us to this point right now?

Ms. STABENOW. Mr. President, I thank my friend from Rhode Island for the question and for his advocacy and understanding of how we bring down costs and what we should be doing in so many areas for families and for businesses in the country.

I will just say that we have, first of all, attempted to get something done for years. In the last couple of years, reaching out to Republicans in an unprecedented way, our distinguished chairman of the Finance Committee, as everyone knows, went to unparalleled lengths in reaching out and spending months and months putting together a work group of three Democrats and three Republicans to work in good faith to get something done.

We have accepted Republican ideas. I know on the HELP Committee there were many amendments accepted from Republican colleagues. We have continued to reach out and look for ways to work together.

But what we are seeing is a lack of desire to work together and more than just a lack of desire, as the Senator indicated, but simply to attempt to embarrass the President of the United States, to stop him from being successful, and to stop us politically, when the reality is very serious. This is not about a President. We have had 100 years of Presidents trying to do this. This is not a particular Senate. We have had Senates for years that have been trying to do this. This is about when are we going to get beyond all this? When are we going to actually get beyond this and focus on the reality of what is going on in people's lives, what is going on in every small business that is trying to figure out how to pay the bills and hold it together or every manufacturer in my great State that is trying to figure out how they are going to hold it together. At one point, the American people will have every right to say to us: When are you guys going to get beyond this stuff?

The good news is, we have a President who has said now is when we are going to put it behind us and the Senate has said now is the time and we will work in good faith with anyone who wants to work with us. But we will not wait, which is what we are being asked to do—wait until another time, when 45,000 more people will have died next year, when another 5,000 people a day will have lost their homes to foreclosure.

Mr. WHITEHOUSE. If we were to wait, does the Senator think there is any likelihood people on the other side would suddenly want to cooperate with President Obama and not hand him a defeat? If Rush Limbaugh would say: OK, Republicans in the Senate, go ahead, work with the Democrats now; don't just be the party of obstruction and delay but try to work cooperatively for the American people, does the Senator think there is any likelihood of that happening?

Ms. STABENOW. I would like to think there would be a likelihood of that happening, but I can't imagine it. Frankly, and I think unfortunately, they view it in their self-interest, whether it is a business decision, as a radio host, or whether it is a decision of the other party. I appreciate the fact that it is hard to lose elections. We have all been in those situations. I appreciate the fact that folks don't want to be in the minority. Most of us have been in that situation. So I appreciate that. But I think all of us were hoping this year, with two wars, with the deficit we have, with the challenge on health care, with the need to create jobs, and with the financial crisis we are in, that somehow it would be different for a while.

I would ask my colleague if he had the same sense of hope coming in; that this year maybe there would be a moratorium on the partisanship; that we could actually come together in the interest of the country and solve problems before going back to the elec-

tions. I would ask my friend if he was as surprised as I was that there was not only no stopping after the election but that the same folks who led things during the election are leading them right here on the floor.

Mr. WHITEHOUSE. I share the disappointment of the Senator from Michigan; that the promise and the outreached hands have been rejected and rebuffed; that this place has become so bitterly partisan. This is my first time in the Senate with a Democratic President, and I have been surprised at the tone of the debate, at the lack of truth of a great many of the arguments, of the very apparent motivation.

I have spoken to members of our caucus who I think are probably viewed as some of the most moderate when it comes to seeking bipartisanship, who are calm and respected Members of the Senate and who have been here a long time, and I have asked them how this compares to their long years of experience in the Senate. One of them said he has literally never seen anything like it in all the years he has been in the Senate. He has never seen anything like it. They are always on message, he said, but I have never seen them so off truth.

I think it is regrettable, but if your mission is to destroy a strong and important piece of legislation, not because it is bad legislation but because you can't stand having this new President win a political victory, are you going to go out and disclose that is your motivation? No, you are going to come up with a bunch of other cockamamie arguments to paper that over. You will talk about death panels and you will go through all the nonsense we have seen and it is regrettable.

Ms. STABENOW. If I might interject with my friend, I have been handed a note that says, in fact, there have been over 150 amendments offered by Republicans, and so our attempts have been ongoing to reach out.

Mr. WHITEHOUSE. I think those were the Republican amendments that were accepted into the HELP Committee bill. In fact, I think there were 161, if I remember correctly from my time sitting on the committee. We took Republican amendment after Republican amendment after Republican amendment trying to reach out to them.

Ms. STABENOW. So we have over 300 pages of the bill which contain Republican amendments, and that is fine. There is no ownership in the sense of who has the better ideas. In fact, what I find interesting is the insurance exchange we have in the bill for small businesses—which is at the heart of coverage of small businesses and individuals—has been offered by Republicans and Democrats. I believe distinguished former Senator Bob Dole offered some form of an exchange back during the debate when President Clinton was in office.

So we are not trying to claim a corner on ideas. There are many ideas that have been available and talked about for years. It is a matter of having the will, the commitment to actually do the hard work people expect us to do in order to get this done. I think that is what is so important about this time, when the average family is finding themselves unraveling, with not knowing if their job is going to continue to be available or if there will be a cut in wages. They are paying more out of pocket for everything under the Sun and then worrying if the employer is thinking: Well, you can have your job or your health insurance because the employer can't keep both going.

The fact is, we have lost so many middle-class jobs—and I will spend another time talking about the loss of manufacturing jobs in this country. We have lost a lot of our middle class in terms of good-paying jobs. So people are now saying: Wait a minute, just being the party of no, that is not going to be enough. That is not good enough—just saying no for political reasons. That is not enough. We want to know what you are going to say yes to. We want to know how you are going to work together. We want to know how are you going to actually solve a problem.

When someone such as Joe, from Rockford, MI, says he served in the Marines for 4 years and their motto is: "We take care of our own," my question is: When are we going to come together and take care of our own Americans? I don't mean literally taking care of every person but creating opportunity for people, creating the climate for people to have a job, to have health insurance, to send the kids to college, to be able to afford to keep their lights on, and to be able to know that their country is on their side. That is what this is about. They do not want us to wait more, they want us to move quickly—move quickly on health care and jobs and all the other issues that are so important to their families.

So I thank my friend from Rhode Island for joining me, because there is a sense of urgency that people have, and we need to have that sense of urgency to get things done—to work together and to get things done. Frankly, one of the things our colleagues on the other side of the aisle have successfully done is united our caucus in its determination to not let this kind of stalling and objections and tactics, which are slowing things down, stop us from actually solving a huge problem that has gone too long unsolved for the American people.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we are considering the omnibus bill. Once again, I have to say that we are heading recklessly, at a high rate of speed, toward the most reckless spending this Nation has ever seen. We saw some big spending during World War II but nothing

like this, in the kind of environment we are in today. Plus, then we had the whole Nation working to win that life-and-death struggle.

I will just say a few things about this omnibus bill. First, I don't think any of us should support it. Why? It is unacceptable. Why? It is the kind of spending that has caused the American people to be outraged and to go out in the streets. People told me they had never been to a rally before in their lives, but they went out because they are afraid for their country.

Look at the package of spending that is in this legislation—the Commerce, Justice, and Science bill has been cobbled together with the others. There are 6 of the 13 appropriations bills all packaged together into 1 to see if they can't ram it through during the last days before Christmas so nobody will have the gumption to cause a fuss about it and so we can just get this done. What is it that is contained in the legislation that causes such angst on my part and on the part of others? I will explain it for you.

Here are the numbers. The Commerce, Justice, Science appropriations bill contains \$64 billion in spending. The percent of growth over last year's spending is 12 percent. Just to recall for my colleagues, if you know the rule of seven, which you learn in accounting: at a 7-percent growth rate—or if you have an interest rate of 7 percent—your money will double in value in 10 years. Here we have a 12-percent increase. That means the expenditure line of Commerce, Justice, and Science increases at 12 percent, which would double that whole amount in about 7 years. Do you think that is what the American people want? This does not count the stimulus package we passed earlier this year. My wife says: Quit saying we passed, when you voted against it. I didn't vote for it. It was \$800 billion, and \$15 billion went into Commerce, Justice, and Science appropriations. So we go from \$64 billion in this bill and add \$15 billion on top of that amount, which is already being spent.

What about a second one—financial services. It has a 7-percent increase. The rate of inflation is what, 1 percent? On top of this bill, we add about a \$7 billion infusion in financial services from the stimulus package. Last year, the spending was \$22 billion; this year, it is \$24 billion. Add \$6.9 billion on top of that and you have about \$31 billion, which is a massive increase.

Labor, HHS, and Education also increased at 7 percent, and it received \$72 billion extra from the stimulus package. I am not counting the stimulus when I say it is a 7-percent increase. I am talking about the baseline budget. Military Construction and Veterans Affairs is oddly the lowest. It only received a 5-percent raise. Well, 5 percent is still a big increase when the inflation rate is below 2, and it received \$4 billion from the stimulus, which is not much. The stimulus gave very little to military matters.

What about the State Department and Foreign Operations? How much did that budget line increase over last year? Thirty-three percent. We don't have to increase State and Foreign Operations 33 percent. This is beyond a reasonable amount by any stretch of the imagination, and it also received an increase in the stimulus package.

What about Transportation and Housing and Urban Development? What kind of increase did they get in this year's budget, in a time when the American people are having to cut their budgets, when they try to save more than they ever saved before, trying to find work if they or family members are losing jobs, when they are not getting overtime like they did before, when other things are tightening them up and the fear of unemployment is out there; what does Transportation and HUD get in the baseline budget? Not counting the stimulus money: 23 percent increase. With a 23-percent increase you double the whole Transportation-HUD budget in 4 years. This is not responsible.

By the way, the baseline Transportation-HUD budget in 2009 was \$54 billion. It was \$54 billion, and the stimulus package added \$61.8 billion on top of that.

The omnibus bill in all of the spending lines amounts to an increase of 12 percent. This is unsustainable, and the 12 percent does not include the huge amount of money that was funded through the stimulus package.

I see my colleague here, one of our stalwart Members of this Senate. I will yield to him, but I just want to be on record saying I would love to vote for these bills. I voted for many of these funding bills in years past, but I am not going to vote for a package that increases spending of the Federal Government at 12 percent when the average American is lucky to have a job and inflation in this country is 1 or 2 percent. This makes no sense to me.

Remember, this spending is in addition to the amount of money approved in the stimulus package—\$800 billion.

If you would like to know how much money \$800 billion amounts to, the general fund budget in my State of Alabama—we are an average size State—is less than \$2 billion. The entire total spending of these six bills in this omnibus package is \$445 billion, and we spent in February—this Congress approved without my support \$800 billion extra to try to stimulate the economy. Unfortunately, it has been frittered away without the kind of impact we need.

I am worried what we are doing. I appreciate having this opportunity to share those comments, and I will speak more about it in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I appreciate my colleague's great remarks. I rise today to discuss an important aspect of this multifaceted health care

reform bill that is now pending on the Senate floor. It is tax increases and who will bear the burden of those tax increases. I have actually heard some stand on the Senate floor and say there are tax reductions. Who are they kidding? The gargantuan piece of legislation laying before us provides plenty of fodder for debate and discussion. This debate and discussion is taking place all over the country among Americans everywhere: over the family breakfast table, during breaks at work around the water cooler, in corporate boardrooms, and bowling alleys, and during Christmas shopping trips.

Of course, right here in the Senate we have already had many hours of debate about the health care bill, with many more likely to come. As one peruses the 2,074 pages that comprise the Patient Protection and Affordable Care Act—this bill—it quickly becomes obvious that this bill encompasses many topics and touches on a comprehensive array of issues dealing with our health care system.

However, it is not until near the very end of the bill, starting on page 1,979, that we find title IX, which deals with revenue offset provisions. Perhaps it is because this title is near the end of this seemingly endless bill that we have heard relatively little discussion about the new taxes it creates or perhaps it is because the tax title is relatively short, a mere 67 pages.

No matter the reason, I believe it is vital that the American people understand something about these new taxes before we are asked to vote on this legislation, this gargantuan legislation.

Before I get into the specifics of the new taxes and tax increases in this bill, I need to inform my Utahns and Americans everywhere that they are being sold a bill of goods when it comes to these taxes.

Based on what President Obama promised during his campaign last year, every individual American taxpayer earning less than \$200,000 per year, and every family making less than \$250,000 per year is justified in believing that this health care bill, which has been endorsed by the President, would not raise their taxes. Here is the direct quote from candidate Barack Obama in New Hampshire on September 12, 2008:

I can make a firm pledge. Under my plan no family making less than \$250,000 a year will see any form of tax increase.

Unfortunately, this bill places the cost of health care reform squarely on the backs of the taxpayers and mostly on the 98 percent of Americans the President promised to protect from new taxes. That is what it said. President Obama's exact words were:

I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase.

The President went on to promise:

Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

However, when one looks at the list of revenue offsets beginning on page

1,979, we see all but 5 of the 14 revenue raisers included there would hit families making less than \$250,000.

There is a cornucopia of new taxes on middle-income Americans in this legislation: a limitation on itemized medical expense deductions for medical expenses; an excise tax on the high-cost health insurance plans; a new tax on medical devices such as wheelchairs, breast pumps, and syringes used by diabetics for insulin injections; a limit on contributions to flexible spending accounts; an increase on the penalty for unqualified distributions from a health savings account; an increase in the payroll tax, and on and on.

Look at all these taxes: itemized medical expense deduction, fees on drug manufacturers, high-cost plan tax—by the way those are passed on to you and me and every other consumer, most of whom are less than \$250,000-a-year earners—fees on health insurers, nonqualified HSA distribution from 10 percent to 20 percent, fees on medical device manufacturers, fees on FSAs—a \$2,500 cap on FSAs—people who have suffered from disabilities and other problems, they can't live with that kind of cap—and an individual mandate penalty excise tax, all of those. That is just mentioning a few of them. It goes on and on.

Some of these would directly hit many taxpayers who make less than \$200,000, such as this 5 percent excise tax on cosmetic surgery, while others would in the form of higher fees and penalties that would ultimately be passed on to the consumer.

This is certainly the indication with the new "industry fees" that would be assessed on several sectors of the health care industry.

Who do they think is going to pay for those? It is you and me and everybody else. Look at this chart, the biggest single tax increase in this health care bill is also one of the most insidious. This is the 40-percent excise tax on high-cost insurance.

By 2019, 88 percent, or \$30.5 billion will be borne by individual taxpayers. Eighty-four percent of those will be individuals who make less than \$200,000 or families who make less than \$250,000. That is according to the Joint Committee on Taxation, upon which I sit. It is a nonpartisan committee.

This is the 40-percent excise tax on health insurance coverage that exceeds \$8,500 for single families or \$23,500 for families.

The unions in this country are going crazy over that, and with good reason.

The proponents of this idea tell us it is necessary in order to "bend the cost curve" downward and get the cost of health care under control. However, in reality, this is simply a bastardized version of the concept that might have been effective in discouraging employees from bargaining for too much insurance because it is a tax-free benefit; that is, for corporations that provide it, a cap on the value of tax-free, employer-provided health insurance.

The original concept, which was discussed at length in the finance committee earlier in the process of developing health care reform legislation this year, has merit if done correctly. By providing a direct disincentive to the very individuals who would suffer the tax increase, this original idea would have discouraged purchasing or bargaining for higher cost insurance simply because of the tax benefit.

However, this bill and the one approved by the Finance Committee does not take this route. Instead, it takes the cowardly approach and applies the tax increase at the insurer level.

Why is this a bad idea? For one thing, the tax increase occurs at a level two steps removed from the individual employee, which is where the decision to buy a less costly plan is made. Rather, the tax is assessed on the insurance company which has no choice but to pass the cost of the tax on to the employer and the employee who, together, pay the cost of the policy.

Instead of providing a disincentive for purchasing more health insurance than is necessary, applying the tax at the insurer level simply increases the cost of insurance without the employer and employee necessarily even knowing why the cost has gone up.

You wonder why insurance costs go up?

So for the sake of avoiding what appears to be a direct tax increase on workers, this approach loses the benefit of the original idea of bending down the cost curve by providing a disincentive. But make no mistake, this increased cost of these insurance plans will be passed on to the employees.

"Forty percent excise tax on high-cost insurance"—which most people will have. This is not even—

... by 2019, 88 percent or \$30.5 billion will be borne by individual taxpayers; 84 percent of those will be individuals who make less than \$200,000 or families who make less than \$250,000. The Joint Tax Committee.

My gosh, when does it end?

Moreover this tax burden would not be just on those whom the President says he wants to target for tax increases, those making over \$200,000 per year as individuals or \$250,000 per year for families. Far from it.

Data from the staff of the Joint Committee on Taxation showed that only 16 percent of the \$30.5 billion borne by individual taxpayers in 2019 would be paid by those making over \$200,000 per year. This means that 84 percent or almost \$26 billion for this 1 year only would be paid by those whom the President promised to protect against tax increases.

Unfortunately, the excise tax on high-cost insurance policies is not the only way the health care bill would increase the cost of health insurance. To add insult to injury, the bill also includes a \$6 billion annual fee assessed on providers of health insurance.

I have heard the other side just condemn health insurers, day in and day out. Yet they are adding all these costs

to the health insurers that have to pass them on to the individual citizens, or insureds.

As I understand it, the rationale behind this misguided idea is that health insurance companies will be enjoying a windfall from this bill in that millions of new customers will become insured for the first time. Therefore, the reasoning goes, the health insurance industry will be earning billions of dollars that they would not have otherwise made, all because of the beneficial aspects of this health reform bill.

Therefore, since these companies will be reaping all of this extra profit, why should we not tax them on this windfall in the form of this annual fee as though those costs are not going to be passed on? This is a bad idea on so many levels. First, it assumes that the insurance companies will actually be gaining all of these new customers. Secondly, it assumes that the insurance companies will be making money from these new customers if they indeed gain them. Keep in mind, they are talking now in the back rooms. Nobody knows what they have concluded. They are talking about putting people into Medicare from 55 years old on, where today you have to be 65 years of age to be able to qualify for Medicare. Now they want to do that at 55. What does that mean? That means the sickest of the sick will go into Medicare. People are going to push them out of regular policies and others will go into Medicare, so these insurance companies aren't going to make all the money the Democrats say they are.

The third assumption is the most troubling. That is that it would be the insurance companies themselves that would bear the burden of these fees. These are all dangerous assumptions. The third one is downright fallacious. It assumes that corporations suffer the incidence of taxation. As anyone with a modicum of economic training knows, corporations do not bear the burden of taxes, people do. Specifically, it is the people who work for the corporation, who own the corporation, and who are the customers of the corporation who ultimately pay the tax. They are passed right on to the people. This is not the only dangerous new excise tax in this bill. We have a whole passel of them. A new excise tax on health insurance providers. Look at this, excise taxes in the health care bill, excise tax on health insurance providers, new tax on pharmaceuticals, a new tax on medical devices, a new tax on high-cost insurance plans, and a new tax on cosmetic surgery. In the case of competitive markets, an excise tax is generally borne by consumers in the form of higher prices in the long term. At least this is what the staff of the Joint Committee on Taxation said to me in a letter on these insurance industry fees, dated October 28, 2009. Why in the world would we want to add a fee to the health insurance industry when we know it will be passed right on to consumers of the health insurance in the

form of higher insurance costs? That means you and me. That means the employee. That means the person who bears the burden. I thought the purpose of this health reform bill was to rein in health care costs.

How much does this so-called health care reform bill harm taxpayers and violate President Obama's promise not to raise taxes on the middle class? Let me tell you about one of the most egregious tax increases in this bill. I have always believed that one of the major purposes of health care reform is to lower the cost of medical expenses to American families and especially to vulnerable American families. Therefore, it makes no sense to me that this bill should include this next tax increase which would largely hit the sickest Americans. This proposal would increase the threshold for deducting medical expenses from today's level of 7.5 percent to 10 percent of adjusted gross income. This seemingly small change is projected by the Joint Committee on Taxation to cost taxpayers over \$15 billion over 10 years. Which taxpayers would suffer this tax increase? The ones earning more than \$250,000 per year that President Obama pledged would be the only Americans to be saddled with a tax hike under his administration? Hardly. Of the many millions of families affected by this change, only a few thousand have incomes over \$200,000. Think about that. The vast majority of the victims of this tax hit would be below that figure, with many of them being far from wealthy. In fact, a high percentage of the taxpayers affected by this change make less than \$75,000 per year.

Look at this. If your income equals \$100,000, then you need to incur \$10,000 worth of medical expenses before you become eligible for the deduction. Millions of taxpayers making less than \$200,000 will be affected. The deduction for medical expenses has been in the Tax Code for decades. Its purpose is to provide relief to Americans who face catastrophic medical expenses in relation to the size of their income. It is designed so that an average or usual amount of health care costs will not trigger the relief. Like I say, a family earning \$100,000 this year would have to have medical expenses exceeding \$7,500 before the deduction kicks in. This does not count what insurance pays but only what the family would fork over in out-of-pocket costs.

Even for those with the most basic health insurance, 7.5 percent of family income spent for medical expenses is a large amount. In many cases, this much medical cost relative to income is caused by chronic health conditions or serious accidents or injuries, and this is exactly the point. The current tax law rightly says that if a family has to pay catastrophic or near catastrophic amounts for health care during the year, relief is available. By design this deduction is there only for those who need it. So the big question is: Why we would want to increase

taxes on those with already high medical expenses by making it tougher for them to get relief from catastrophic medical expenses. But the real conundrum is why would we do this as part of a bill that is supposed to rein in health care costs.

It is no wonder my fellow Utahns and Americans everywhere are questioning the wisdom of this bill. As with so many other features of this so-called health reform plan, this doesn't make sense.

There is much more I want to say about the tax increases in this bill. American taxpayers need to know the truth about what is about to hit them, if the majority has its way. I have not yet mentioned the new industry fee on medical device companies. Because my home State of Utah has many such companies, I plan to address this new fee in a separate floor statement as this debate progresses.

Let me summarize by reminding my colleagues that the tax increases in this bill fly in the face of the promises made by the President, the leader of the majority party in Congress who has explicitly endorsed this legislation. The staff of the Joint Committee on Taxation recently conducted a distributional analysis of how four of these tax increase provisions affect American taxpayers. Under that analysis, in 2019, individuals making over \$75,000 and families making over \$75,000 will see their taxes increase under this bill. That is equal to 42 million middle-income taxpayers. Think about that: 42 million middle-income taxpayers all making less than \$200,000 per year and all of them, told by the President that they would be protected from tax increases, will be hit and hit hard by this bill. This is after taking into account the tax effects of the advanced refundable tax credit for health insurance.

Think about this: Millions more middle-income taxpayers will be hit by indirect tax increases from the health industry segment fees included in this bill. There is no question that these fees and other excise taxes will be passed through to the individuals who are consumers of the health care products that are being passed. As we debate this health care bill, it is imperative that the American people know what is in the legislation and how it will affect them. It would be a travesty for us to vote on this before these things are fully understood and debated. This is one of those few bills that come along only once in a generation or so. It is one of those bills that has the potential to change our country forever, for good or bad. In this case, it is not for good.

The tax increases in this bill are unprecedented in many ways and not well thought out. They will have a devastating effect on the people the President has promised to protect. The tax increase aspect alone of this leviathan is enough to demand its defeat here in the Senate. But there are so many more ill-advised provisions in the other 2,007 pages as well.

I urge my colleagues to take a good and honest look at these tax increases and make sure they are ready to face the vast majority of their unsuspecting constituents once they discover what has been done to them with this bill, should it pass.

I am very concerned about this bill. The American people are very concerned about this bill. Polls show they don't support this bill. I can't believe my colleagues on the other side are trying to present it as though it is a tax deduction bill when, in fact, it raises taxes in billions and billions of dollars, most of which go to the middle class or lower in transferred payments, and causes other problems added to their woes in health care and their very lives, as we go through all of our lives here in the United States. I am very concerned about it. I think everybody ought to be concerned about it. This is one-sixth of the American economy. If we can't get 75 to 80 votes in a bipartisan way, you know it is a lousy bill. This is a lousy bill. From what I have heard of the one that even Democrats don't know what form it will be in, it is going to be even more lousy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, pending before us now is an omnibus bill which contains six different appropriations bills. It was not our intention to call this omnibus bill but to call each one of the appropriation bills. Unfortunately, it has been impossible to reach that goal because of a strategy that has been employed by the Republican side of the aisle to slow down any debate on any topic as much as possible, to challenge us with filibusters and force cloture votes and make the Senate go into interminable quorum calls. So many times we have called bills that came out of the Appropriations Committee with overwhelmingly positive votes only to run into roadblocks on the floor. And then after weeks and weeks and weeks of procedural problems tossed our way by the Republican side of the aisle, the bill is finally called and passes by an overwhelming margin. The strategy is clear.

It is as clear on the health care bill as it is on the appropriations bills that the Republican side of the aisle doesn't want us to complete. So we are attempting to do our best by consolidating into one appropriations bill six different appropriations bills that passed with overwhelmingly positive margins out of the Senate Appropriations Committee. There were three bills that received 30 to nothing votes in the Appropriations Committee and three others that were reported out 29 to 1, to give an idea of the kind of support they had. We brought up the Commerce-Justice-Science appropriations bill on October 6. It took us a month to finish that bill because of the delay tactics of the other side. That is the reality of what we face. We have run ourselves into the ground day after day,

week after week with amendments relating to things of little or no consequence. I cannot count how many ACORN amendments we voted on. It would be a forest of oak trees if those acorns were planted. But we voted on them regularly, religiously. We made sure we took care of ACORN, but we didn't take care of the people's business because those amendments wasted our time.

These appropriations bills have taken longer and longer because the minority will not agree to reasonable time agreements to consider amendments and finish debate.

Instead, we found ourselves consistently sidetracked by the minority, spending hours on the floor taking the same votes on keeping ACORN from receiving money from different Federal agencies like the Interior Department.

So, here we are. We have 21 days before the end of the calendar year and we need to finish the business of the Congress.

To do so, we engaged Republican members of the Appropriations Committee and worked on reasonable compromises to the differing bills in the House and Senate.

This package of appropriations bills is the result of a truly bicameral and bipartisan effort.

This package represents the priorities of the American people. The conference report invests in students, veterans and law enforcement.

The bill before us makes college education more affordable for students by increasing Pell grants to \$5,500.

This will help all students, whether they are going to college for the first time or going back to acquire new skills, get the college education necessary to compete in the global economy.

The conference report also helps local governments fight crime and puts more police on our streets.

We have increased grants for State and local law enforcement by \$480 million over last year.

These grant programs were cut by almost \$2 billion during the last administration.

This conference report sets the right priorities by increasing funding essential to helping our States and local police departments fight crime.

We also help local law enforcement with hiring and training by including \$298 million for the Community Oriented Policing Services or COPS program to put more cops on the beat.

This funding will help hire or retain approximately 1,400 police officers.

The COPS program has helped train nearly 500,000 law enforcement personnel and put over 121,500 additional officers on the beat nationwide.

This conference report also helps keep our promise to our Nation's veterans by increasing funding for the Veterans Affairs Department by \$5.3 billion above last year's level.

This funding will increase access to quality health care for our veterans. In

particular, the conference report increases discretionary spending at the VA by more than \$5 billion to help the VA care for the more than 6.1 million veterans they expect to see in 2010.

As chairman of the subcommittee responsible for Division C of this consolidated appropriations bill, I would like to take the next few minutes to describe the key components of that portion of this bill.

Before doing so, I want to recognize and commend my ranking member, Senator COLLINS, for her helpful counsel, input, and support in crafting the bill. It has been a privilege and pleasure to collaborate with her in addressing the needs of the agencies and programs dependent on funding under our division of this conference agreement. I am proud that we have produced a truly bipartisan product.

This conference agreement allocates budgetary resources totaling \$46.3 billion. This consists of \$24.2 billion in discretionary spending and \$22.1 billion in mandatory spending for financial services and general government accounts. The discretionary funds are \$1.6 billion above the fiscal year 2009 enacted level and \$40 million less than the President's request.

Our work has provided a valuable opportunity to evaluate the responsibilities, functions, and budgetary needs of the diverse agencies and programs under our jurisdiction. Our challenge has been deliberating carefully to make tough decisions within our conference funding allocation to address many worthy requests.

The bill provides resources for the Department of the Treasury, the Executive Office of the President and White House operations, the Federal judiciary, and the District of Columbia.

In addition, the bill funds over two dozen independent and vital, but often obscure, Federal agencies responsible for a wide array of critical functions in the delivery of public services.

I would like to share some of the highlights of the bill:

My top priority this year was to continue to address the resource needs of two of our Nation's premier regulatory agencies: the Securities and Exchange Commission and the Commodity Futures Trading Commission. These two agencies occupy pivotal positions at the forefront of stimulating and sustaining economic growth and prosperity in our country.

The CFTC received its fiscal 2010 funding as part of the Agriculture appropriations bill, signed into law in September. I am pleased to have played a role in providing that agency with \$168.8 million, a 16-percent boost above last year.

For the Securities and Exchange Commission, this bill includes \$1,111,000,000, an increase of \$85 million above the President's budget request and \$151 million more than the fiscal year 2009 enacted level.

The SEC is the investor's advocate. I want to make certain that the SEC has

the necessary resources to effectively fulfill its singular obligation: protecting shareholders.

SEC Chairman Mary Schapiro has charted an aggressive new course to strengthen SEC vigilance by recruiting professional expertise and investing in enhanced technology. The \$85 million increase in this bill will support 420 additional investigators, attorneys, and analysts to expand significantly the SEC's enforcement, examination, risk assessment, and market oversight functions.

In addition, the SEC will be able to accelerate investments in several key information technology projects, including installing and launching a new system to track tips and complaints.

The conference bill supports community and small business development at a time when these investments are more crucial than ever. With the economy struggling, economic development must be a top priority.

Treasury's Community Development Financial Institutions Fund program—CDFI—helps finance community development projects throughout the country and supports basic financial services for underserved communities. The bill provides \$166.8 million for CDFIs to provide financing for projects such as day care centers, community centers, and affordable housing projects in America's underserved neighborhoods.

Through the Small Business Administration, the bill provides over \$824 million to promote the development of America's small businesses. The bill supports \$28 billion in new lending to small businesses, providing financing opportunities for small businesses at a time when private sector credit is difficult, if not impossible, to access. The bill also provides \$22 million for microloan technical assistance grants and supports \$25 million in micro-lending.

Funding also supports SBA's partners, including Small Business Development Centers, Women's Business Centers, and Veterans Business Outreach Centers. These partners form a foundation of support to help America's small businesses weather the economic downturn and assist newly unemployed Americans seeking advice on starting a small business as a new career path.

As we have done in the past few years, this bill provides a significant funding increase for the Consumer Product Safety Commission. To help keep CPSC on track to meet its new responsibilities under the Consumer Product Safety Improvement Act, the bill provides \$118.2 million, an increase of \$13 million above last year's level and \$11 million above the budget request.

These funds will help expand the import safety initiative, which puts CPSC inspectors at key U.S. ports, and to further investigate suspected problems with imported drywall from China. With these resources, the CPSC can provide the nation with a robust safety

program and protect the public against unreasonable risk of injury associated with consumer products.

For the Internal Revenue Service, the bill provides \$12.2 billion. Of this, \$7 billion is for tax law enforcement, \$387 million more than last year, to help advance the administration's initiative to target wealthy individuals and businesses who avoid U.S. taxes by sheltering money in overseas tax havens.

The bill provides nearly \$6.4 billion to enable the Federal judiciary to carry out constitutional responsibilities to administer justice and resolve disputes impartially under the rule of law.

Of the \$752 million in Federal funding for the District in this bill, the largest portion, \$563 million, is designated for the local courts and criminal justice system including public defender services and pretrial and postconviction offender supervision.

In addition, the bill provides a total of \$186 million in Federal funds for local District of Columbia activities under the control of the mayor. Of this amount, \$110 million is for education-related functions, specifically support for local school improvement and post-secondary tuition assistance.

This \$110 million continues our commitment to improving the quality of education for children in the District of Columbia. I convened two hearings this fall to assess the Federal investment in school improvement over the past 5 years. To date, including this bill, Congress has provided \$348 million since fiscal year 2004 as special payments to help the District address long-standing deficiencies in its education system.

This conference agreement provides \$75.4 million for school improvement in the District in three sectors: \$42.2 million for public schools, \$20 million for charter schools, and \$13.2 million for opportunity scholarships. The bill also includes \$35.1 million to continue the District of Columbia resident tuition assistance grant program which permits eligible District residents to attend out-of-state colleges and universities at in-state tuition rates.

Finally, just a few words about earmarks. This is a very transparent appropriations bill shining a light on requests from Senators, House Members, and the Obama administration. Quite frankly, that is the way it should be.

Nothing is buried or disguised. The name of every Member who has asked for anything in the House or Senate bill that has been included in this conference agreement is disclosed in the explanatory statement. Every Member has to stand by every request he or she makes, and it is printed right there for the world to see.

After the document went to print, Senator SCHUMER submitted a letter to the committee conveying his support for several items included in the bill at the request of House members.

I ask unanimous consent to have the text of Senator SCHUMER's letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, December 7, 2009.

Hon. RICHARD DURBIN,

Chairman, Subcommittee on Financial Services and General Government, Senate Committee on Appropriations, Dirksen Senate Office Building, Washington, DC.

Hon. SUSAN COLLINS,

Ranking Member, Subcommittee on Financial Services and General Government, Senate Committee on Appropriations, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN DURBIN AND RANKING MEMBER COLLINS: As your Subcommittee works toward a conference with the House of Representatives on the Fiscal Year 2010 Financial Services and General Government Appropriations bill, I respectfully request your support for several projects that are important to the state of New York, as well as to our nation.

I urge the Senate Conferees to fully fund my priority project included in the FY10 Senate version of the Financial Services Appropriations bill:

Support the Senate Appropriations Committee (SAC) addition of \$117,500 for the City of Buffalo for the Buffalo Clean Energy Incubator, in the Small Business Administration account;

Support the SAC addition of \$117,500 for the Community Service Society of New York for a financial education project, in the Small Business Administration account;

Support the SAC addition of \$117,500 for the Greater Syracuse Chamber of Commerce for the Space Alliance Technology Outreach Program, in the Small Business Administration account.

In addition to my Senate priorities, I also offer my support for the following projects included in the House version of the bill:

Support the House Appropriations Committee (HAC) addition of \$17,500,000 for National Archives and Records Administration, Washington, D.C., for FDR Presidential Library, New York, in the National Archives and Records Administration account;

Support the HAC addition of \$150,000 for Agudath Israel of America, New York, NY, for Mentoring and training services, in the Salaries and Expense account;

Support the HAC addition of \$250,000 for the Buffalo Niagara International Trade Foundation, Buffalo, NY, to support small businesses, in the Salaries and Expenses account;

Support the HAC addition of \$150,000 for the Center for Economic Growth, Albany, for Watervliet Innovation Center, in the Salaries and Expenses account;

Support the HAC addition of \$150,000 for the Consortium for Worker Education, New York, NY, for Financial training and guidance programs, in the Salaries and Expenses account;

Support the HAC addition of \$151,000 for Girl Scouts of the USA, New York, NY, for a national program to improve financial literacy, in the Salaries and Expenses account;

Support the HAC addition of \$200,000 for Greater Syracuse Chamber of Commerce, Syracuse, NY, for Clean Tech Startup Camp, in the Salaries and Expenses account;

Support the HAC addition of \$350,000 for Hudson Valley Agribusiness Development Corporation, Hudson, NY, for Hudson Valley Food Processing Incubator Facility, in the Salaries and Expenses account;

Support the HAC addition of \$75,000 for Hunter College, New York, NY, for the Roosevelt House Institute Public Policy Institute, Financial Literacy Project, in the Salaries and Expenses account;

Support the HAC addition of \$150,000 for Metropolitan Council on Jewish Poverty, New York, NY, for Employment and training programs, in the Salaries and Expenses account;

Support the HAC addition of \$100,000 for New York College of Environmental Science & Forestry, Syracuse, NY, for the New York Forest Community Economic Assistance Program, in the Salaries and Expenses account;

Support the HAC addition of \$125,000 for Pace University Lienhard School of Nursing, White Plains, NY, for nursing workforce education and training initiative, in the Salaries and Expenses account;

Support the HAC addition of \$85,000 for Pratt Institute, Brooklyn, NY, for Green Community Career & Business Training Center, in the Salaries and Expenses account;

Support the HAC addition of \$150,000 for SUNY Fredonia, Fredonia, NY, for Small business incubator, in the Salaries and Expenses account;

Support the HAC addition of \$100,000 for YMCA of Long Island, Inc., Holtsville, NY, for Diversity Training Program at the Brookhaven-Roe YMCA, in the Salaries and Expenses account.

I certify that to the extent of my knowledge neither I nor my immediate family has a pecuniary interest, consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in any congressional directed spending item that I requested as reported by the Committee on Appropriations.

I thank you for your consideration of these important requests.

Sincerely,

SENATOR CHARLES E. SCHUMER.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. REID. Mr. President, we are here at 7 o'clock. My friend—I want to make sure the RECORD reflects that he is my friend—the Republican leader, we scuffle and argue out here, but we have done a lot of things together over the years. But I do have a direct quote from my friend just this afternoon:

We have been anxious to have health care votes since Tuesday and we have had the Crapo amendment pending since Tuesday. We would like to vote on amendments. All we are asking is an opportunity to offer amendments and get votes.

That is what we have been trying to do now for the last several hours. First of all, I have a cloture motion at the desk with respect to the conference report to accompany H.R. 3288.

The PRESIDING OFFICER. The cloture motion 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 conference report to accompany H.R. 3288, the Transportation, HUD, Related Agencies Appropriations Act for Fiscal Year 2010.

Daniel K. Inouye, Al Franken, Jon Tester, Paul G. Kirk, Jr., Roland W. Burris, Edward E. Kaufman, Jack Reed, Daniel K. Akaka, Mark Begich, Patty Murray, Jeff Bingaman, Robert P. Casey, Jr., Sherrod Brown, Thomas R. Carper, Byron L. Dorgan, Richard J. Durbin, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

UNANIMOUS CONSENT REQUEST—H.R. 3590

Mr. REID. Mr. President, I now ask unanimous consent that the Senate resume consideration of H.R. 3590, the health care bill, for the purposes of considering the pending Crapo motion to commit and the Dorgan amendment No. 2739, as modified; that Senator BAUCUS be recognized to call up his side-by-side amendment to the Crapo motion; that once that amendment has been reported by number, Senator LAUTENBERG be recognized to call up his side-by-side amendment to the Dorgan amendment, as modified; that prior to each of the votes specified in this agreement, there be 5 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Lautenberg amendment; that upon disposition of the Lautenberg amendment, the Senate then proceed to vote in relation to the Dorgan amendment; that upon disposition of that amendment, the Senate proceed to vote in relation to the Baucus amendment; that upon disposition of that amendment, the Senate proceed to vote in relation to the Crapo motion to commit; that no other amendments be in order during the pendency of this agreement; that the above-referenced amendments and motion to commit be subject to an affirmative 60-vote threshold and that if they achieve that threshold, then they be agreed to and the motion to reconsider be laid upon the table; that if they do not achieve that threshold, then they be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. As I stated earlier today, and as the majority leader has indicated, we have waited since Tuesday to vote on additional health care amendments, including the pending Crapo motion to commit on taxes. Finally, tonight the other side gave us language on their alternative to Senator CRAPO's motion.

Senator CRAPO's motion would ensure that the bill does not raise taxes on the middle class. I understand that their alternative is sense-of-the-Senate language on that subject. This consent request now has us voting on two drug reimportation amendments from the other side—not one but two on the Democratic side—one of which we just received less than an hour ago and is 100 pages long.

We are prepared to return to the health care bill and proceed to the two tax-related votes tonight. After those votes, I would suggest we continue to work on the bill and other amendments. I assume there could be votes

on the drug reimportation issue and a whole host of other amendments we have all been anxious to offer at a later time. But at this stage, regretfully, I object and propound the following alternative.

Is my objection registered?

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. I would say to my friend, the majority leader, could we just get in the queue the Crapo amendment and the, I believe, Baucus side by side to the Crapo amendment? I ask unanimous consent that we do that, which would give us a way to go forward on two measures that both sides seem to want to vote on.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Just this afternoon, my friend, the Republican leader, said—and I quote—"I think it is pretty hard to argue with a straight face that we're"—"we" meaning Republicans—"not trying to proceed to amend and have votes on this bill. That's what we desire to do."

Mr. President, it is obvious the Republicans have said privately to their friends and publicly here and in the media that this is a bill they want to kill. To think they are interested in doing something that is positive about this stretches the imagination.

Also, let me just say this. I did not come to this body yesterday. I am not the expert with procedures in the Senate, but I am pretty good. I want everyone to understand this is a ploy procedurally to stop us from completing this bill. We are not going to have a bunch of amendments stacked up. Amendments have been offered. We are agreeing to vote on the amendments. We know the drug importation is a difficult vote for the Republicans; it is a difficult vote for the Democrats. But that is what we do around here.

Every amendment we have had so far has been 60-vote margins. This should not be any different. So I want the RECORD to reflect that we are ready to vote. He keeps talking about "since Tuesday." There have been quite a few things going on around here since Tuesday. It is not as if we have been sitting around staring in space. There has been good debate on the Senate floor. It is just that we have amendments that would—if we move off the motion they have filed, it creates a procedural issue that we would have difficulty getting out of. That is why they are wanting to do that. We have to clear the deck, continue offering amendments, as we have. I think that is the right way to do it.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. MCCONNELL. Mr. President, could I just say, at the risk of being redundant—and I do not want to get into

a spirited debate with my friend and colleague over this—the facts are we were just handed a 100-page Lautenberg amendment about an hour ago. I have 39 Members here, all interested in that issue. It is simply impossible for me to clear voting on an amendment of 100 pages in duration that I just got an hour ago.

The reason I had suggested—and I was hopeful that maybe it would be a good way forward—we vote on the Crapo amendment, which everybody understands has been out there since Tuesday, and a sense-of-the-Senate resolution that is fairly brief, I assume—a very brief sense of the Senate that Senator BAUCUS was going to offer—is because both sides fully understand those two measures. They are not 100 pages long and enormously complicated. We did not just receive them.

So I do not want to get into an extensive back and forth with the majority leader, but I would say to him through the Chair, sincerely, it strikes me a good way to just get started would be to vote on these two issues, the Crapo motion and the Baucus amendment that both sides fully understand.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is no sucker punch the Democrats have just leveled to the Republicans. This amendment was previously offered by Senator COCHRAN, a Republican, that Senator LAUTENBERG is offering. This is something people have known about for a long time. So I understand people may have forgotten what was in that. They can have the evening to look it over. But I will renew my request tomorrow. We are ready to legislate.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I guess I will have to prolong it just a little bit further.

I just learned something from the majority leader, that in fact this is an amendment that has been around before. We just learned that from his comments, having just received it a short time ago. Nevertheless, we will continue to talk and see if we cannot move forward and make progress and give both sides votes they are clearly interested in having.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate the attitude of the Republican leader. I think it is fair to have a chance to look at that amendment. We will be here in the morning and try to work through this.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The omnibus conference report.

Mr. MENENDEZ. Thank you, Mr. President.

Mr. President, I rise to speak about the omnibus conference bill before the

Senate and specifically about provisions on Cuba that have not passed the Senate and have not been subjected to debate by this body. These provisions would undo current law where the Castro regime would have to pay in advance of shipment for goods being sold to them because of their terrible credit history.

Yes, Cuba's credit history is horrible. The Paris Club of creditor nations recently announced that Cuba has failed to pay almost \$30 billion in debt. Among poor nations that is the worst credit record in the world.

So I ask: If the Cuban Government has put off paying those to whom it already owes \$30 billion, why does anyone think it would meet new financial obligations to American farmers?

Considering the serious economic crisis we are facing right now, we need to focus on solutions for hard-working Americans, not subsidies for a brutal dictatorship. We should evaluate how to encourage the regime to allow a legitimate opening—not in terms of cell phones and hotel rooms that Cubans cannot afford but in terms of the right to organize, the right to think and speak what they believe.

However, what we are doing with this omnibus bill is far from that evaluation, and the process by which these changes have been forced upon this body is so deeply offensive to me and so deeply undemocratic that I have no intention—no intention—of continuing to vote for Omnibus appropriations bills if they are going to jam foreign policy changes down throats of Members in what some consider “must-pass” bills.

I am putting my colleagues on notice: You may have the wherewithal to do that because you have a committee perch or an opportunity to stick something in that has not been debated on the floor of the Senate in what you think is a must-pass bill, but do not expect me to cast critical votes to pass that bill.

An example of the danger of what we are doing by changing the definition that is now being changed in this omnibus bill of what we call “cash in advance” is exhibited by a *Europapress* report. I want to quote from that press report: “During a trade fair this month in Havana, Germany's Ambassador to Cuba, Claude Robert Ellner, told German businessmen that Cuba's debt to the German government had been forgiven”—forgiven—“in the hopes that Cuba will meet its debt obligations to them”—meaning to the businessmen.

In other words, German taxpayers will now be responsible for bailing out its private sector and, by implication, the Castro regime.

Thanks to the U.S. policy we have had up to now, of requiring the Castro regime to pay “cash in advance” for its purchases of agricultural products, U.S. taxpayers could rest assured that the same would not happen to them—that we would not have to forgive any debt or obligations in order to make

sure private businesspeople got paid by the regime because, otherwise, they would be left defaulted.

The Castro regime has mastered the art of making some European Governments acquiesce to its every whim, even if it means a free pass for its daunting repression.

So how do they do it? It is rather simple. They give European countries a choice: either you do what we say or we will freeze your nationals' bank accounts and default on any debts. To me, that is also known as blackmail.

Let's take Spain, for example. Recently, European news services reported that Spain has begun a diplomatic offensive to convince the Castro regime to unblock nearly 266 million euros—or the equivalent of about 400 million United States dollars—in funds that have been frozen by the Castro regime of over 300 Spanish companies in Cuba. These are Spanish companies doing business in Cuba and now cannot get access to their money.

So what does the Spanish Government do? Not coincidentally, the Spanish Government announced that upon assuming the Presidency of the European Union in 2010, it would enter into a new bilateral agreement with the Castro regime that would replace the current European Union policy which contains diplomatic sanctions for human rights violations.

The Castro regime had made it clear to Spain that the current European Union policy was an “insurmountable obstacle” to normal relations and, I might add, for Spanish nationals and companies to get their money back. Therefore, the Spanish Government immediately responded to what I consider to be blackmail.

On a recent visit to Cuba, Spain's Foreign Minister, Miguel Angle Moratinos, met for 3 hours with Raul Castro. He did not get one concession—not one—on human rights. But he did get \$300 million that Cuba owed to Spanish companies that do business inside of Cuba.

Is that what the United States of America intends to do?

So the lesson for dictators is, go ahead and freeze the bank accounts of other countries' companies and create debt you do not intend to pay for and you get a free pass for repression.

Look at another article. A recent Reuters article highlights that Cuba continues to block access to foreign business bank accounts. Let me quote from that article:

Many foreign suppliers and investors in Cuba are still unable to repatriate hundreds of millions of dollars from local accounts almost a year after Cuban authorities blocked them because of the financial crisis, foreign diplomats and businessmen said.

It goes on to say in the article:

The businessmen, who asked not to be identified—

Because they are fearful if they are—said they were increasingly frustrated because the Communist authorities refused to offer explanations or solutions for the situation, which stems from a cash crunch in the

Cuban economy triggered by the global downturn and heavy hurricane damage last year.

This is a quote from one of those people. He says:

I have repeatedly e-mailed, visited the offices and sent my representative to the offices of a company I did business with for years and which owes me money, and they simply refuse to talk to me.

That is what a Canadian businessman told Reuters.

The article goes on:

Delegations from foreign banks and investor funds holding commercial paper from Cuba's State banks have repeatedly traveled to Cuba this year seeking answers from the Central Bank or other authorities—without success.

Representatives of some companies with investment or joint ventures on the island say they were bracing for the possibility of not being able to repatriate year-end dividends paid to their accounts in Cuba.

Now, let's remember that some 90 percent of the country's economic activity is in the regime's hands, in the state's hands.

Foreign economic attachés and commercial representatives in Cuba said most of their nationals doing business with the Caribbean island still face payment problems.

That is all from that article. These are all those who are doing business with Cuba now finding themselves and their money trapped.

Last week, the Russian Federation's Audit Chamber revealed that the Cuban regime failed on three occasions to pay installments on the equivalent of \$355 million in a credit deal it signed with Russia in September of 2006. That is just the latest episode in a saga that in 2009 alone includes, first, reports by Mexico's *La Jornada* and Spain's *El Pais* newspapers that hundreds of foreign companies that transact business with the Cuban regime's authorities have had their accounts frozen—frozen—since January of 2009 by the regime-owned bank that is solely empowered to conduct commercial banking operations in that country.

Second, a June 9, 2009, Reuters article said:

Cuba has rolled over 200 million Euros in bond issues that were due in May, as the country's central bank asked for another year to repay foreign holders of the debt, financial sources in London and Havana said this week.

Those are direct quotes from those articles.

As a reminder, in Castro's Cuba, you can only do business with the regime because private business activity is strictly restricted.

So the real reason so many whose work is often subsidized by business interests advocate Cuba policy changes is about money and commerce, not about freedom and democracy. It makes me wonder why those who spend hours and hours in Havana listening to Castro's soliloquies cannot find minutes—minutes—for human rights and democracy activists. It makes me wonder why those who go and enjoy the Sun of Cuba will not shine the light of free-

dom on its jails full of political prisoners. They advocate for labor rights in the United States, but they are willing to accept forced labor inside of Cuba. They talk about democracy in Burma, but they are willing to sip the rum with Cuba's dictators.

Which takes me to a place in Cuba called Placetas. Placetas is a city in the Villa Clara Province in the center of Cuba, in the heart of the island, in the center of Cuba. In other words, it is not a beachside resort frequented by Canadian and European tourists.

Placetas is also the home of this couple. It is the home of Cuban political prisoner and prodemocracy leader Jorge Luis Garcia Perez Antunez, generally known as Antunez. On March 15 of 1990, a then-25-year-old Antunez stood at the center square of Placetas listening to the government's official radio transmission calling for the Fourth Congress of the Communist Party. He spontaneously began to shout: "What we want and what we need are reforms like the ones performed in Eastern Europe." Immediately, he was beaten by state security agents, charged with "oral enemy propaganda," and imprisoned. That would begin a 17-year prison term, which is about half of his current life that he spent in prison. His crime? Saying: We need the types of changes that took place in Eastern Europe. For that, 17 years in prison. He was not released until 2007. He is now 45 years old, hopefully with an entire life ahead of him.

The Castro regime would love for Mr. Antunez and his wife, who is also a prodemocracy activist—this says in Spanish, "we are all the resistance" and "long live human rights." They would love for him to leave the island permanently, but he refuses to do so. He has decided to stay in Cuba and demand that the human and civil rights of the Cuban people be respected. For this, he has been rearrested over 30 times since 2007.

Last week, at that same center in that small town of Placetas where he had been originally arrested simply for saying that: What we need is a change as we saw in Eastern Europe, Antunez and other local prodemocracy leaders gathered to honor Cuba's current political prisoners, people who simply, through peaceful means, try to create changes for democracy and human rights inside of their country and get arrested and languish in jail.

Antunez and his colleagues were not "educated" on the importance of human rights and civil disobedience by foreign tourists, as some of my colleagues suggest would happen—that we need to send foreign tourists to educate the Cubans about human rights and civil disobedience. He and all of those who are languishing in Castro's jails understand about human rights and civil disobedience in a way to try to capture your rights. Unwittingly, though, foreign tourists have financed their repression. They give money to

the regime that ultimately gives them the state security forces that throw people such as Antunez in jail.

Let me read an open letter that just came out by Mr. Antunez that was sent to Cuba's dictator Raul Castro. I am going to quote from an English translation.

It says:

Mr. Raul Castro—

This is Mr. Antunez speaking now—

My name is Jorge Luis Garcia Perez Antunez—a former political prisoner—and I am writing to you again not because I pretend to make you aware of something that, far from alien, is commonplace in Cuba due to the nature and politics of your government. For several months now my spouse Yris Tamara Perez Aguilera and I find ourselves under forced house arrest by your political police. The week before the Juanes concert—

That is the concert of the famous Colombian singer Juanes—

a high ranking State security official upon arresting me informed me that there had been an order for my arrest throughout the island of Cuba, wherever I might be found. He emphasized that they were going to be watching every step I take. Since that date I have lost count of how many times I have been arrested, the majority of times with violence.

Mr. Dictator—allow me a few questions that may help you clarify some doubts amongst those compatriots of mine who are hopeful that your government would diminish repression or that even Democratic openings could be made.

He poses this question:

With what right do the authorities, without a prior crime being committed, detain and impede the free movement of their citizens in violation of a universally recognized right? What feelings could move a man like Captain Idel Gonzalez Morfi to beat my wife, a defenseless woman, so brutally, causing lasting effects to her bones for the sole act of arriving at a radio station to denounce with evidence the torture that her brother received in a Cuban prison. Or is it that for you there are only five families that exist in our country that have the right to protest and demand justice for their jailed relatives? Should you not be ashamed that your corrupt police officers remain stationed for days at the corner of my home to impede us from leaving our house and monitoring our movements in our own city?

Where is the professionalism and ethics of your subordinates that with their ridiculous operations provoke the mockery of the populace towards these persons on almost a daily basis? How do you feel when you encourage or allow these persons who call themselves men to beat and drag women through the streets such as: Damaris Moya Portieles, Marta Diaz, Ana Alfonso Arteaga, Sara Marta Fonseca, Yris Perez, and most recently—

The well-known blogger, Yoani Sanchez. I am adding for the record "the well-known blogger." He doesn't say that, but she is a well-known blogger, internationally known, recently beaten simply as she was trying to go to a place of civil disobedience.

How can you and your subordinates sleep calmly after deliberately and maliciously physically knocking down on more than one occasion Idania Yanez Contreras who is several months pregnant? How can you and your government speak about the battle of ideas

when you are constantly repressing ideas through beatings, arrests, and years of incarceration?

Maybe your followers cannot find or even attempt to find a response. However, I find myself in the long list of persons that are not afraid to respond.

You act this way because you are a cruel man, and insensitive to the pain and suffering of others. You act this way because you are faithful to your anti Democratic and dictatorial vocation, because you are convinced that dictatorships like the one you preside over can only be maintained through terror and torture, and because the most minimal opening can lead to the loss of the one thing that you are interested in—which is maintaining yourself in power.

Lastly, returning to my case in particular, I will respond without even asking you beforehand the concrete motives of your continued repression against my person. Your government and your servants in the repressive corps cannot forgive my two biggest and only "crimes." First, that despite almost two decades of torture and cruel and inhuman punishment during my unjust and severe sanction, you could not break my dignity and my position as a political prisoner. And second, because even though I am accosted and brutalized and above all risk returning to prison, I have taken the decision not to leave my country in which I will continue struggling for a change that I believe is both necessary and inevitable.

The letter is signed: From Placetas, Jorge Luis Garcia Perez Antunez, December 2009.

This is the voice of those who languish under Castro's brutal dictatorship. As you can see, Mr. Antunez is an Afro-Cuban, not part of the White elite of the regime's dictatorship; not what the regime tells the world, that Cubans who are all White seek to oppose the dictatorship. Most of the movement for democracy inside of Cuba are Afro-Cubans. Inside of Cuba, they are subjected to a citizenship status that is less than any human being should be subjected to.

Antunez's voice rings in my head. It tugs at my conscience.

His words:

Despite almost two decades of torture and cruel and inhuman punishment during my unjust and severe sanction, you could not break my dignity and my position as a political prisoner, because even though I am accosted and brutalized and above all risk returning to prison, I have taken the decision not to leave my country in which I will continue struggling for a change I believe is both necessary and inevitable.

Antunez is right. Change in Cuba is inevitable, but the United States needs to be a catalyst of that change. It does not need to be a sustainer of that dictatorship. It does not need to create an infusion of money that only goes to a regime that ultimately uses it not to put more food on the plates of Cuban families but to arrest and brutalize people such as Mr. Antunez.

These are the human rights activists on whom some would turn their backs for the sake of doing business. I guess the only thing they can see is the color of money. Well, not me, not now, and not ever.

Thank you, Mr. President. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I don't rise to add to what the Senator from New Jersey said. I just wish to take this opportunity to tell him I agree with him, and I appreciate his leadership on this issue over several years—even the years before he came to the Senate.

Often, I am asked in my State, because we can export so much agricultural stuff, if I would vote to open trade with Cuba. I said I am willing to open trade for Cuba when they give political freedom and economic freedom to the people of that country because this dictator has run Cuba into the most impoverished country in the world. Before he took over, they had a very viable middle class and they were a prosperous country.

I stand ready to help the Senator on what he is trying to do in that area.

Mr. MENENDEZ. If the Senator will yield, I thank the distinguished Senator from Iowa for his comments and for the position he has taken over a long period of time. It may not be the easiest, but I believe it is the one that is morally correct. Most important, on that day—which I believe is sooner rather than later—in which Cubans are free, they will remember who stood with them in the midst of this. That will make all the difference in the world. I thank the Senator.

Mr. GRASSLEY. Mr. President, I come to the floor at this point to give some breadth to a statement that was made on the floor earlier today. It was made by my friend, Senator BAUCUS. I don't take offense to what he said because I sensed a great deal of frustration in his statement. I will read what he said so you know what I am reacting to. The reason I don't take offense to what he said is because he and I have worked so closely together over 10 years, with one or the other of us being chairman of the Finance Committee, that we have such an understanding of each other.

Just prior to the remarks I am going to read, he had spoken positively about Senator ENZI and me. So I want my colleagues to know this statement is not made out of anger that I am going to give a rebuttal to.

Well, we kept working bipartisan—working together, for days and days, hours and hours, and then, fortunately, Mr. President, it got to the point where I'm just calling it as I see it. I can't—I—one of my feelings is I'm too honest about things. And it's—the Republicans started to walk away. They pulled away from the table. They had to leave.

I ask you why? Why did that happen? And the answer is, to be totally fair and above board, is—and above board, is because their leadership asked them to. Their leadership asked them to become disengaged from the process. I know that to be a fact. Why did their leadership ask Republicans to leave and become disengaged from the process? To be totally candid, they wanted to score political points by just attacking this bill. They were not here to help—help be constructive, to find bipartisan solutions. They were for a while, then when the rubber started to meet

the road and it came time to try to make some decisions, they left and began to attack—and began to attack.

I wish to take a few minutes to respond to these remarks that I read. It was asserted, through these remarks on the floor, that some Republicans in the so-called Gang of 6 were directed by the Senate Republican leadership to cease participating in bipartisan talks. The Gang of 6 referred to the six bipartisan members of the Senate Finance Committee. On the Democratic side, the members were my friends, three chairmen, including Senator BAUCUS, Budget Committee chairman; Senator CONRAD; and Energy Committee chairman, Senator BINGAMAN. All are senior members of the Democratic Caucus. On the Republican side, the three members included Senator SNOWE, ranking member of the Small Business Committee; Senator ENZI, ranking member of the Health, Education, Labor, and Pensions Committee; and this Senator. Senators SNOWE and ENZI are senior Members of the Republican caucus.

Chairman BAUCUS convened this working group with a singular goal of a bipartisan health care reform bill. We met for several weeks up in the Montana Room of Chairman BAUCUS's office. I would agree with the way participating Members have described these discussions. They were well informed, thoughtful, provocative, challenging, and frustrating all at the same time. But I would say that in the months we negotiated, there was never once that anyone walked away from the table. There was never once that there were any harsh words.

While we were engaged in those discussions, there was constant pressure from folks outside the room for us to reach a quick deal. That pressure came from the White House, it came from the Democratic leadership, it came from advocacy groups outside, and it came from many media folks covering the day-by-day meetings. To be fair, the Senate Republican leadership was very concerned about some of the directions the policy discussions were taking in the Gang of 6. That concern grew, particularly after the very partisan HELP Committee markup occurred. Senator HATCH left the original Gang of 7 because of the character and result of the HELP Committee markup.

Most important, the Senate Republican leadership was concerned that a bipartisan Finance Committee bill would be co-opted into a partisan floor bill, when the Democratic leadership merged the bills. Senators SNOWE, ENZI, and I anticipated that concern.

To be fair to Senator BAUCUS, as he was negotiating with us, he tried to convince us that we would be very much a part of those merging of the bills. He offered that in good faith. I believe him. I even believe him today saying that. But seeing how neither the HELP Committee nor the Finance Committee was as involved as they should have been in what Senator REID

put together in this 2,074-page bill, I wonder whether Senator BAUCUS could have, if we had a bipartisan agreement, actually carried out that guarantee.

From the get-go, we Republican members of the Gang of 6, to make sure we were a part of the process that I described, as Senator BAUCUS told us we would be, asked for assurances from the White House and from the Senate Democratic leadership on the next step in the legislative process, if we, in fact, did arrive at a bipartisan agreement.

I also found that many in the broader group of Republicans, who provided the bipartisan glue for the CHIP bill of 2008, had similar concerns. All Republicans had process concerns, such as where would it go once it left the Senate Finance Committee.

We wanted assurances, and here is what we wanted. The assurances requested boiled down to a good-faith promise that the bipartisan Finance Committee health care bill would not morph into a partisan health care reform bill when Majority Leader REID merged the two committee bills. We wanted to make sure the bipartisan character of a bipartisan Finance Committee bill was going to be retained through these next steps. To do otherwise would be akin to getting on a bus and not knowing where the bus was going or how much the bus ticket would cost. Assurances were also requested with respect to a conference between the House and Senate. The assurances were similar to assurances requested by Senator REID and made by the then-majority Republican leadership during the period of 2005 and 2006. The Democratic minority leader, at that time, made these assurances a condition to letting major regular order Finance Committee bills even go to conference.

As an example, take a look at the CONGRESSIONAL RECORD, and you will see the assurances made by then-Majority Leader Frist to then-Minority Leader REID. These requests were made repeatedly to the Democratic leadership, publicly and privately, about how the postcommittee action of the bipartisan group would be handled in the merger with the HELP Committee bill. It was a focus of a July 8 lunchtime, face-to-face meeting at the majority leader's office, with Senators REID, BAUCUS, CONRAD, BINGAMAN, SNOWE, ENZI, and myself. The bottom-line response from Senator REID at that meeting was he needed 60 votes.

I guess, the implication was, despite the fact that the Democratic caucus contained 60 members then and now, Senator REID didn't think it was possible to secure the votes of all members of his caucus. A restatement of the reality of the Senate rules was not the assurances the three Republican Senators—this one included—sought from Senator REID.

Senator REID, himself, recognized the validity of this request in an August 8 Washington Post article. I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 3, 2009]

DEMOCRATS FIND RALLYING POINTS ON HEALTH REFORM, BUT SPLINTERS REMAIN

(By Shailagh Murray and Paul Kane)

Democrats leave town for the August recess with frayed nerves and fragile agreements on health-care reform, and a new bogeyman to fire up their constituents: the insurance industry.

With the House already gone and the Senate set to clear out by Friday, the terms of the recess battle are becoming clear. Republicans will assail the government coverage plan that Democrats and President Obama are advocating as a recklessly expensive federal takeover of health care. And Democrats will counter that GOP opposition represents a de facto endorsement of insurance industry abuses.

"We know what we're up against," House Speaker Nancy Pelosi (Calif.) told reporters on Friday. "Carpet-bombing, slash and burn, shock and awe—anything you want to say to describe what the insurance companies will do to hold on to their special advantage."

Although Pelosi won a significant victory last week when the Energy and Commerce Committee approved the House bill, setting up a floor debate after Labor Day, conservative Democrats were able to demand that negotiators weaken the government-plan provision. The uprising, which lasted for several days, suggested that the public option is growing increasingly vulnerable even as a consensus forms around other reform policies.

Republican leaders have pledged to use town halls, ads and other forums to intensify their assault on the Democratic-led reform effort. "I think it's safe to say that, over the August recess, as more Americans learn more about [Democrats'] plan, they're likely to have a very, very hot summer," House Minority Leader John A. Boehner (R-Ohio) said.

In the Senate, a bipartisan coalition of Finance Committee lawmakers is backing a member-run cooperative model as an alternative to the public option. But Republicans are beginning to push back against that cooperative approach, too.

The latest critic is Sen. John McCain (R-Ariz.), who on Sunday compared insurance co-ops to Fannie Mae and Freddie Mac, the government-backed mortgage giants that played prominent roles in the housing crisis. "I have not seen a public option that, in my view, meets the test of what would really not eventually lead to a government takeover," McCain said on CNN's "State of the Union."

Pelosi and other Democrats have countered that Republicans are seeking to protect a health insurance industry that is their business ally, not so much from a government insurance option, but from the broad industry reforms that enjoy public support, including the elimination of coverage caps and the practice of denying coverage to those with pre-existing conditions. The White House also wants to steer the debate toward insurance reform, as it is easier to digest than long-term cost control, which is another chief objective.

"How you regulate the insurance industry is as important to health-care reform as controlling costs," said White House Chief of Staff Rahm Emanuel. The public plan, he said, is one of an array of measures intended to change industry behavior.

As the rhetoric against the industry heated up, the leading insurance trade group issued a statement Thursday calling for lawmakers to cool down their criticisms and re-

double efforts toward "bipartisan health-care reform." Robert Zirkelbach, spokesman for America's Health Insurance Plans, defended his industry, saying it had already proposed many of the changes that Congress is seeking, including those involving pre-existing conditions and ratings based on health status and gender.

Despite the sparring, House and Senate Democrats and three GOP Senate negotiators have reached broad consensus on the outlines of reform. Lawmakers generally agree that individuals must be required to buy health insurance, that Medicaid should be significantly expanded, and that tax increases, in some form, will be required. The final bill also could bring about some of the most significant changes to Medicare since the program was created in 1965.

But the rebellion from fiscal conservatives on the Energy and Commerce Committee last week served as a political wake-up call for Democratic leaders. With enough votes on the panel and on the floor to sink reform legislation, the Blue Dog Coalition forced Pelosi and Emanuel into concessions that made the government plan similar to private health insurance, sparking a new fight with House liberals.

Sensing that the Blue Dogs had dug in for a prolonged fight, Pelosi and Emanuel gave in to most demands in order to get the legislation moving again. They essentially decided that it was better to pick a fight with their liberal flank, where Pelosi remains popular and where loyalty to Obama is strongest, particularly in the Congressional Black Caucus.

Despite threats from almost 60 progressive House Democrats—who outnumber the Blue Dogs—Pelosi defended the compromise, saying it was similar to one backed by Sen. Edward M. Kennedy (D-Mass.). Pelosi predicted that the liberal wing would fall in line because the legislation is so important to them.

"Are you asking me, 'Are the progressives going to take down universal, quality, affordable health care for all Americans?' I don't think so," Pelosi told reporters Friday, breaking into laughter at the question.

Just as troublesome as the internal House divisions is the burgeoning distrust among House Democrats, their Senate counterparts and the White House.

Pelosi acknowledged that "there are concerns" in her caucus that the White House, namely their former colleague Emanuel, takes House Democrats for granted. House lawmakers are being encouraged to pass the most liberal bill possible, she said, while the White House works on a bipartisan compromise with a select group of senators.

"It's no secret," Pelosi said, "that members sometimes think: 'Why do I always read in the paper that they're checking with the Finance Committee all the time? What does that mean, that they just want to know what's happened with the Finance Committee? What about the [Senate health] committee? What about our committees over here?'"

The six Senate Finance Committee negotiators have burrowed in for another six weeks of talks, having set a Sept. 15 deadline for producing a bill. The group includes an array of small-state senators with little national prominence who have proven surprisingly resistant to pressure from their party leaders and the White House.

Although the House bill and the Senate Health Committee version have attracted no Republican support, the Senate Finance Committee coalition includes Sens. Mike Enzi (Wyo.) and Charles Grassley (Iowa), both Republicans, along with moderate GOP Sen. Olympia Snowe (Maine). And the lead Democratic negotiator, Finance Committee

Chairman Max Baucus (Mont.), is a moderate who has broken with his party on numerous bills co-authored with Grassley.

The closer these negotiators move to striking a deal, the more fraught the discussions become by issues of trust and political will. Among Republicans, the pressure is especially acute. All three GOP senators fear they will be sidelined once the bill is approved at the committee level, with their names invoked to demonstrate bipartisanship even as they're left with no say over the final product as it is meshed with the Senate health panel's version and then ultimately with the House bill.

For Republicans, a prime concern is that Senate Majority Leader Harry Reid (Nev.) will abandon the Finance Committee bill and force legislation to the Senate floor using budget rules that would protect against a Republican filibuster. Even advocates concede that the option is highly risky and that it would vastly limit the policy scope of the bill. For instance, Senate budget experts say most insurance reforms would have to be sidelined.

Treasury Secretary Timothy F. Geithner said Sunday that the administration would consider all options. "Ideally, you want to do this with as broad a base of consensus as possible," he said in an interview on ABC's "This Week." "But people on the Hill are going to have to make that choice: Do they want to help shape this and be part of it, or do they want this country, the United States of America, to go another several decades [without reform]?"

Reid said he already provided the Republicans with some assurances, and added, "I'll do more if necessary." He said of GOP concerns, "I don't blame them." And he added that, considering the political realities of the Senate, with its large number of moderate Democrats, health-care reform would have to gain significant bipartisan support to cross the finish line.

"I sure hope we can get a bipartisan bill; it makes it easier for me to go home," moderate Sen. Mary Landrieu (D-La.) told the Democratic caucus last week, according to Reid.

"We all feel that way," Reid added.

Mr. GRASSLEY. Mr. President, I will quote, in part, from the article:

The closer these negotiators move to striking a deal, the more fraught the discussions become by issues of trust and political will. Among Republicans, the pressure is especially acute. All three GOP senators fear they will be sidelined once the bill is approved at the committee level, with their names invoked to demonstrate bipartisanship even as they're left with no say over the final product as it is meshed with the Senate health panel's version and then ultimately with the House bill.

Republicans were also worried that the bipartisan product could be lifted into a partisan reconciliation bill. I quote further from that same Post article:

Reid said he already provided the Republicans with some assurances, and added, "I'll do more if necessary."

Continuing to quote from the Post article:

He said of GOP concerns, "I don't blame them." And he added that, considering the political realities of the Senate, with its large number of moderate Democrats, health-care reform would have to gain significant bipartisan support to cross the finish line.

President Obama and the Senate Democratic leadership set a deadline of

September 15 for the bipartisan Gang of 6 to produce a proposal. If the proposal were not available by then, the President and Senate Democratic leadership made it clear the plug would be pulled on further bipartisan talks.

I point that out because that is very significant. A powerful member of the Senate Democratic leadership, the senior Senator from New York, made it crystal clear the Senate Democratic leadership would pull the plug. That member, who is very smart and articulate, made it as transparent as possible that the September 15 deadline was more important than a bipartisan deal.

I ask you to go back and look at the media reports. The Gang of 6 was unable to reach a deal on contentious issues such as abortion, the individual mandate, and financing issues by White House/Democratic leadership's deadline.

Chairman BAUCUS had to move forward. I respect the pressure my friend from Montana was under. I have been there myself. But the record needs to be correctly made that the September 15 deadline was not a Republican deadline. It was a deadline imposed by the White House and the Senate Democratic leadership. I might say that wasn't just the GOP deadline—it wasn't a deadline for the Gang of 6 either. I didn't sense, from the three Democratic members, that they agreed with that.

So the Senate Democratic leadership pulled the plug on the talks. Again, go check the public comments and press reports. They pulled the plug. Senator ENZI and I could not agree to the product at that point because of substantive issues that were resolved against us and the failure of the White House or Senate Democratic leadership to deliver on those process assurances that we asked for.

Senator SNOWE did have substantive issues resolved sufficiently at the Finance Committee markup so that she could support the bill.

I might note today that I heard Senator SNOWE caution the Democrats as she gave them the boost from her vote in the Finance Committee—that was right after the bill passed—she made it clear that her vote for later stages would depend in part on data on the key question of whether the product makes health care more affordable. Her letter to CBO dated December 3 lays out the issues in precision.

At the next stage of the process, the merged-bill stage, all of the Senate Republicans' worst fears were confirmed, but it was especially telling to Senator ENZI and me. My sense is Senator SNOWE appreciated it more than any other member of our conference. The bottom line was that the majority leader's merged bill was constructed in such a partisan way that Senator SNOWE's input was cast aside.

Let's be clear. Senate Republicans did not set deadlines. Senate Republicans did not threaten to go their own way if the deadlines were not met.

Even today, the pending motion from this side of the aisle puts the question to the Senate this way: Take the bill back to the Finance Committee.

As the old saying goes, hindsight is 20/20. As I look back on the process, I make these observations: There was an uncanny disconnect between those inside and outside the room. Many on the outside, mainly from the left side of the political spectrum, seemed to want a reform deal just to have a deal. They did not seem to be that curious about the contents. Perhaps for some of those folks, it was a bit of an imperative to draw on the good will that any President has in the first few months of office.

For those of us in the room—meaning the room where the negotiations were going on—there was a realization that we were tackling, as Chairman BAUCUS has described it, an extremely complex set of issues. We learned very quickly that closing the loop on the policy issues, let alone finding political consensus, was not easy.

The pressure to close a deal by the July 4 recess was overwhelming. My friend, the chairman, wisely pushed back and said we would get a deal when we reached a bipartisan deal. The Group of 6 was unable to reach a deal on contentious issues such as abortion, individual mandate, and financing issues faced by the White House-Democratic leadership deadline. Chairman BAUCUS had to move. In my heart, I feel he would rather not have had that sort of pressure or make that decision. But that was not our deadline. It was a deadline imposed by the White House and the Senate Democratic leadership. They pulled the plug on the talks. Go check the public comments and the press reports. They pulled the plug. Senator ENZI and I could not agree to a product at that point because of the substantive issues that were very much involved.

I want to make it very clear, for this Senator, of the three Republicans who were negotiating, kind of in summary, that the Republican leadership, I think, had questions about a lot of things that were going on in those negotiations. But never once did Senator MCCONNELL, my leader, say to me: Get out of there.

That is the impression that was left this morning.

I can only say that I think I have established a reputation in the Senate, particularly while I was chairman of the Senate Finance Committee, that I did not listen to either the White House or people in leadership necessarily when I thought a bipartisan compromise was the only way to get things done. I suppose there is a whole long list of things that I ought to write down before I make this statement, but I can only think of two or three right now that I can be sure of that I can say in an intellectually honest way that I stood up to the Bush White House when I was chairman of the committee.

They came out immediately for a \$1.7 trillion tax cut in 2001. I made a decision early on that it was not good for the economy and it was not politically possible. So we passed a much smaller, in a bipartisan way, tax bill for that year. And yet it was the biggest tax cut in the history of the country.

In 2003, when the White House and House Republicans in the majority at that time said we had to have a \$700 billion tax cut in addition to the tax cut that was passed in 2001, there were not votes in the Senate among just Republicans to get it done. To secure the votes to get it done, we had to limit it to half that amount of money, or just a little bit more than half that amount of money. And in order to get those votes, contrary to the \$700 billion tax cut that the Bush White House wanted and the House Republicans wanted that we could not get through here, I said I will not come out of conference with a tax cut more than that amount of roughly \$300 billion.

We got that done by just the bare majority to get it done. But I stood up to the White House, I stood up to the House Republican leadership who thought we should not be doing anything that was short of that full \$700 billion.

There have been other health care bills very recently where I stood up against the White House and against our Republican leadership.

I think I have developed a reputation where I am going to do what is right for the State of Iowa and for our country. And I am going to try to represent a Republican point of view as best I can, considering first the country and my own constituency.

Then when it comes to whether people in this body or outside of this body might think that for the whole months of May, June, and July, and through August, with a couple meetings we had during the month of August, that we were dragging our feet to kill a health care reform bill, I want to ask people if they would think I wouldn't have better things to do with my time than to have 24 different meetings, one on one with Chairman BAUCUS, or that I wouldn't have more than something else to do than have 31 meetings with the Group of 6. These were not just short meetings. These were meetings that lasted hours. There was another group of people—GRASSLEY, BAUCUS, and others, sometimes that included people from the HELP Committee and the Budget Committee. But we had 25 meetings like that. I wonder if people think we would just be meeting and spending all those hours to make sure that nothing happened around here. No. Every one of the 100 Senators in this body, if you were to ask them, would suggest changes in health care that need to be made. Even in that 2,074-page bill, there are some things that most conservative people in this country would think ought to be done.

We all know to some extent something has to be done about this system.

We worked for a long period of time, thinking we could have something bipartisan. But it did not work out that way, and now we are at a point where we have a partisan bill.

That is not the way you should handle an issue such as health care reform. Just think of the word "health," "health care." It deals with the life and death of 306 million Americans. Just think, you are restructuring one-sixth of the economy.

Senator BAUCUS and I started out in January and February saying to everybody we met, every group we talked to, that something this momentous ought to be passing with 75 or 80 votes, not just 60 votes. Maybe one of the times the White House decided to pull the plug on September 15 may have come on August 5 when the Group of 6 had our last meeting with President Obama. He was the only one from the White House there and the six of us. It was a very casual discussion.

I said this before so I am not saying something that has not been said. But President Obama made one request of me and I asked him a question. For my part, I said: You know, it would make it a heck of a lot easier to get a bipartisan agreement if you would just say you could sign a bill without a public option. That is no different than what I said to him on March 5 when I was down at the White House, that the public option was a major impediment to getting a bipartisan agreement. Then he asked me would I be willing to be one of three Republicans, along with the rest of the Democrats, to provide 60 votes. My answer was upfront: No. As I told him, you can clarify with Senator BAUCUS sitting right here beside you, that 4 or 5 months before that, I told Senator BAUCUS: Don't plan on three Republicans providing the margin, that we were here to help get a broad-based consensus, as Senator BAUCUS and I said early on this year, that something this massive ought to pass with a wide bipartisan majority.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I need to correct the RECORD. In the part of my statement where I refer to the July 8 meeting with Senator REID, it was only SNOWE, GRASSLEY, and ENZI, not the other Senators I named. So I wish to correct that for the RECORD.

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

The Senator from Illinois.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

DNA SAMPLING

Mr. KYL. Mr. President, I ask unanimous consent that the following letter, which consists of my May 19, 2008, comments on proposed Federal regulations governing the collection of DNA samples from Federal arrestees and illegal-immigrant deportees, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, May 19, 2008.

Re OAG Docket Number 119

Mr. DAVID J. KARP,
Senior Counsel, Office of Legal Policy, Main
Justice Building, Pennsylvania Avenue,
NW., Washington, DC.

DEAR MR. KARP: I am writing to comment on the Justice Department's April 18, 2008, proposed regulation for implementing the DNA sample collection authority created by section 1004 of the DNA Fingerprint Act, Public Law 109-162, and by section 155 of the Adam Walsh Act, Public Law 109-248. I am the legislative author of both of these provisions.

Allow me to note at the outset that I have reviewed the proposed regulations and have concluded that they properly implement the authority created by the laws noted above. I do not recommend that you make any changes to the proposed regulations, as I believe that they are consistent with the clear meaning and spirit of their underlying statutory authorization.

The remainder of this letter first comments on the general privacy objections that have been raised by other commenters with regard to the proposed regulations, and then addresses several other criticisms and recommendations that are made in some of those comments.

PRIVACY CONCERNS

The most common criticism leveled against the proposed regulations by other commenters is that the proposed rules pose a threat to individual privacy. The general argument made is that although fingerprints are routinely taken at arrest, DNA fingerprinting is not like ordinary fingerprinting because DNA has the potential to reveal medically sensitive or other private information. This concern usually also is the basis for arguments that the proposed regulations are unconstitutional.

I think that the privacy concern is best addressed by explaining the legal framework governing the operation of the National DNA Index System (NDIS) and the practical realities of DNA analysis.

A number of statutes prescribe privacy restrictions for use of DNA samples. See 42 U.S.C. 14132(b)(3), (c), 14133(b)-(c), 14135(b)(2), 14135e. In general, DNA information is treated like other law-enforcement case file information—its dissemination is prohibited and subject to serious professional and even criminal sanctions. In particular, section 14133(c) of title 42 provides that any person who has access to individually identifiable DNA information in NDIS and knowingly discloses such information in an unauthorized manner may be fined up to \$100,000, and any person who accesses DNA information without authorization may be fined up to \$250,000 and imprisoned up to one year.