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## House of Representatives

The House was not in session today. Its next meeting will be held on Saturday, December 19, 2009, at noon.

## Senate

FRIDAY, DECEMBER 18, 2009

(Legislative day of Thursday, December 17, 2009)

The Senate met at 12:03 a.m., on the expiration of the recess, and was called to order by the Honorable AL FRANKEN, a Senator from the State of Minnesota.

### PRAYER

The PRESIDING OFFICER. Our guest Chaplain, Senator John Barrasso, of Wyoming, will lead the Senate in prayer.

The guest Chaplain offered the following prayer:

Please join me in prayer.

Almighty God, we praise You for the constancy and consistency of Your faithfulness in blessing and guiding the Senate of the United States through the years of our Nation's history. We turn to You again today and know that You will be faithful to give the women and men of this Senate exactly what is

needed in each hour, each challenge, each decision. Give us light when our vision is dim, courage when we need to be bold, decisiveness when it would be easy to equivocate, and hope when others are tempted to be discouraged. So we commit ourselves to be Your faithful servants, examples of patriotism to our people, and crusaders for Your best for our Nation.

In Your Holy Name. Amen.

### NOTICE

If the 111th Congress, 1st Session, adjourns sine die on or before December 23, 2009, a final issue of the *Congressional Record* for the 111th Congress, 1st Session, will be published on Thursday, December 31, 2009, to permit Members to insert statements.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT-59 or S-123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 30. The final issue will be dated Thursday, December 31, 2009, and will be delivered on Monday, January 4, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event, that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at [http://webster/secretary/cong\\_record.pdf](http://webster/secretary/cong_record.pdf), and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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## PLEDGE OF ALLEGIANCE

The Honorable AL FRANKEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 18, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AL FRANKEN, a Senator from the State of Minnesota, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. FRANKEN thereupon assumed the chair as Acting President pro tempore.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010—Resumed

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill.

Reid motion to concur in the amendment of the House to the amendment of the Senate with amendment No. 3248 (to the House amendment to the Senate amendment), to change the enactment date.

Reid motion to refer the amendment of the House to the Committee on Appropriations, with instructions, Reid amendment No. 3249, to provide for a study.

Reid amendment No. 3252 (to Reid amendment No. 3248), to change the enactment date.

Reid amendment No. 3250 (to amendment No. 3249), of a perfecting nature.

Reid amendment No. 3251 (to amendment No. 3250), of a perfecting nature.

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

Mr. REID. Mr. President, I ask unanimous consent that the time until 1 a.m. be equally divided and controlled between the leaders or their designees, that Senators be permitted to speak for up to 10 minutes each, that the mandatory quorum be waived, and that the majority leader be recognized for the last 10 minutes and the 10 minutes prior to that the Republican leader be recognized, if he chooses to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, those who are following the business of the Senate may be surprised to find us in session a little after midnight. This is a decision made by the Senate just a few hours ago, to postpone the continu-

ation of our session into a new day. The purpose is parliamentary, so that a motion which we have filed can be voted on. It is an important motion. It is a cloture motion. We often have them. It is a motion that closes debate on the floor and moves us forward to the consideration of a measure.

There are very few measures the Senate would consider any more important than the one on which we are about to vote. In about an hour or less, we will be voting on the Defense appropriations bill.

This is a bill which is critically important to our Nation's defense and security, as Secretary Gates reminded us today in a letter to the Senate. It is also a bill that is important to the men and women in uniform, those who are in harm's way overseas literally risking their lives while we meet in the safety of this Senate Chamber.

The bill contains a 3.4-percent pay raise for our military, richly deserved, for the men and women who serve us. It also will be a pay raise appreciated by their families, many of whom wait patiently for the return of their loved one. There is money in this, as well, for military families, to make sure that not only the servicemembers but their spouses and children have health care. It is a very basic requirement of life and one we want to provide for all of our men and women in uniform and their families.

There is certainly an allotment and allocation here for equipment, which our men and women in uniform will need to perform their missions and come home safely. Readiness and training—it covers a wide range of important expenditures for our national security.

There is no more important bill when it comes to the safety of our troops and for our endorsement and support of what they are giving for our country.

In addition to that, there are provisions added by the House which are critically important at this moment in our history. We extend for several months the unemployment benefits for the millions of Americans who have lost their jobs during this recession. Although we see things getting a little better in the economy, there are still a lot of people suffering because of unemployment. They have not only lost their jobs, many have expended their savings. They have lost their health insurance. They may lose their homes. They are struggling. This bill extends for a short period of time those unemployment benefits and some help to pay for health insurance.

It is also a bill that provides for food stamps. I wish this Nation did not need food stamps, but we need them desperately. One out of six people in the State of Michigan is on food stamps because of the state of their economy, and many States with high unemployment rates are near that. The food stamps provide literally the basics and necessities of life for these families.

You would think, as I describe this bill, that it would pass in the Senate

by the same overwhelming margin it just passed in the House 2 days ago. In the House, the vote was, if I recall correctly, in the range of 393 to 35 or something close to that. It was an overwhelming bipartisan vote. Mr. President, 164 Republican Congressmen voted for it, and it is understandable why. It was a vote of confidence in our men and women in uniform. It was a vote of support for them. And it was a vote of compassion and caring for all the people suffering in this great recession.

Yet we may find—I hope it is not true—we may find that in just a few moments this will become a strictly partisan vote. I hope that does not happen. It should not. It was not a partisan issue in the House of Representatives. But many have said on the other side of the aisle that they will not vote to support our troops with this appropriation, nor provide money for the unemployed. I do not question their patriotism or their commitment to our men and women in uniform. They are doing it because of a political or procedural approach they want to use to try to stop or slow down health care reform. I think they picked the wrong bill for it. I think we have had a healthy debate, a vigorous debate, and we are likely to have that debate continue for the next several days. But why are we putting the men and women in uniform in the middle of this debate? They did not ask for that. They asked to serve our country, to be respected for that service, and to have some help so they come home safely. That is what this bill does.

I hope at 1 a.m., in just a few minutes from now, those on the other side of the aisle will reconsider their opposition to the Department of Defense appropriations bill. If there was ever a time when we should stand together in solidarity for those who defend our country, it is now. And I hope many on the Republican side of the aisle will join us in that effort, in a bipartisan effort, in a show of support for these men and women in uniform.

There is plenty of time for debate, but there is also a time for debate to end. There comes a moment, after we have tried our best and engaged in debate and amendments, when a vote should be taken and the Senate should decide.

We are dragging this series of votes out on health care reform I think to a degree which is unnecessary. At some point, and some point soon, we should take the vote and see if there are literally 60 votes in the Senate for health care reform. Having done our best on our side of the aisle to argue the case, those on the other side have argued against it, and now the people of America should have the last word through their elected Senators.

I urge my colleagues on the other side of the aisle, who tried yesterday to stop the proceedings or at least slow them down by requiring the reading of an amendment and are trying now

through the attempt to postpone this vote on the Department of Defense appropriations bill, to accept the verdict of the Senate. There should reach a point when we should do that. And we should do it in a timely fashion. Denying Members of the Senate on both sides of the aisle an opportunity to be home with their families—not to mention our poor staff, people around here who work night and day to support our efforts—denying them a chance to be home with their families in one last, perhaps, vain effort to stop a vote on health care reform really does not speak as well of this institution as it should.

I hope those on the other side of the aisle will have reached a conclusion, after 2 days in trying to stop this process, that it is better for us to have a record vote. If they believe this bill is so bad, they have a chance to vote against it. Those of us who support it will be on record for it. Then let the American people decide. Let them decide in the next election or let them decide in response to us.

But I hope that come 1 o'clock this morning, when we vote on the Department of Defense appropriations bill, we will have a solid bipartisan vote in support of our men and women in uniform. They deserve no less.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I know we are going to eventually vote on the DOD—the Department of Defense—appropriations bill. And it may pass tonight and cloture may be invoked. If it is not, it will be in 30 hours. So I think the bill that is before us is not what is driving, actually, the timing of the vote, at 12:15 in the morning on Friday morning. I think what is driving it is health care, and I believe all of us are going to support—or most of us are going to support—the Department of Defense appropriations bill when the time is right.

But I think it is very important that we have the opportunity to talk about the health care bill that is the underlying bill that will be the next piece of legislation that is considered. I hope people are looking at the underlying bill we have before us, because it is so important for the quality of every family, every person in this country, that we have a health care system that is affordable, available, and is the quality health care we have known in our country for all of these years.

I think what concerns so many of us is that we are concerned that if we have health care reform, instead of providing more access to more people to have the quality health care we all want every American to have, we are going to lose the choices and the patient-doctor relationships if we have a health care takeover that increases costs. The underlying bill is actually going to start taxing every drug people take, every piece of medical equipment

they buy, and insurance companies are going to have to raise their prices to accommodate the taxes that are in the bill.

The bill starts the taxes 2 weeks from today. Two weeks from today, the taxes on this health care bill start. The health care bill itself doesn't start for 4 years. So I think the people of America are saying: What am I hearing? What am I hearing? That taxes start next year, but there is no health program that will give me some kind of new option for 4 years.

It doesn't seem like the way we have had policy made in our country before, where you would be taxed for 4 years before there would ever be a program that you could sign up for. So I think that is what we are going to be dealing with in the next few days.

I think the people of America are very concerned about the bill and the explanations of the bill that we hear. It could be that this bill has changed. We don't know because we haven't seen a new bill come forward, but we have heard that a new bill is being written. So we don't know for sure what it says. But the bill that was introduced and that we have been debating for 3 weeks now has tax increases of about  $\frac{1}{2}$  trillion over a 10-year period, tax increases, mandates, employer business expenses, individual mandates for every person to have to have health care coverage or pay a fine. It could be \$750 per person, the fine; it could go up from there. Every employer is going to have to offer a specified type of health care coverage or they are going to have a mandate that will require fines as well.

I think the American people have been watching this debate and are trying to listen to what is in this bill, and what I am getting in my office is more questions. I have had teletown meetings and people are calling in with questions. They are legitimate questions. When they hear that there are so many taxes and mandates and then the government is going to start saying what would be covered in any kind of plan, people are becoming very concerned.

I think that what happened a few weeks ago—the task force that came out and changed the guidelines for mammograms in this country for women—we have all been told for so many years that early detection is what has saved lives. In fact, that is true; we know early detection has saved lives. So women have been encouraged to get mammograms starting at the age of 40 and, at the age of 40, they start having mammograms on an annual basis. But a few weeks ago a task force, a task force that is a part of the bill that would have the government single-payer system, that task force began to change the guidelines. The guidelines were then that you don't need to have a mammogram under the age of 50. So you don't need mammograms at the age of 40, you start at 50, and then it is every other

year. Well, that concerned women all over our country. This task force that made this recommendation is the same task force that is going to be making the recommendations about what kind of health care coverage there will be in the underlying bill that is before us. So it begins to look as though there is going to be a government task force saying what will be covered in a government plan and that it is no longer women who are 40 and above, it is now women who are 50 and above. So those women between 40 and 50 are not going to have that same kind of access.

I think it is a concern that people are saying: Well, if it is going to happen on mammograms, what else is it going to happen on? What else is going to be taken away from me by a government task force instead of my doctor and me making that decision?

There are many questions about what is in this bill, many questions about what this means to my doctor-patient relationship. I think people around the country wish for us to say: Let's stop here. Let's do this in a way that people know how it is going to affect them, how it is going to affect their families. People want to know more about this bill before, all of a sudden, just before Christmas, we have a health care reform bill and it has taxes, it has more mandates on business in a very tough economic climate, and it has taxes that start actually next year, and it has  $\frac{1}{2}$  trillion worth of cuts in Medicare over a 10-year period— $\frac{1}{2}$  trillion in cuts in Medicare. That is \$500 billion in Medicare cuts.

People from Texas were asking me: What does that mean? It means you are going to have severe cuts in Medicare Advantage, and there are hundreds of thousands of Texans who have Medicare Advantage and like Medicare Advantage. But that is going to be severely curtailed in this bill.

The payments to hospitals, the underpayments to hospitals for Medicare patients, has always been brought back up so that hospitals could break even, but that is not the case in this bill because those payments are going to be cut. So the underpayment to hospitals is going to be a part of this bill.

That is going to hurt our rural hospitals. We are very concerned about the rural hospitals that are already having a hard time. Their costs are higher and they have a harder time making ends meet, so we are worried about the quality of care people are going to get, particularly in our rural areas with these cuts to Medicare. There will be cuts to home health care. There will be cuts to hospice, nursing homes, long-term care. These are the cuts in Medicare that are not going to shore up Medicare; they are going to a new program at the expense of Medicare coverage, Medicare treatment for Medicare patients.

So here we are. It is 12:25. We are going to be voting in about 30 minutes, at 1 o'clock in the morning. It seems as though it is time for us to say that the

American people are very concerned about this bill, and wouldn't it be better to start all over and have a bipartisan effort where Republicans and Democrats can sit down together and lay out the principles we want in health care reform: principles such as lower costs; principles such as making sure more people have access to coverage with bigger pools to lower the cost of premiums.

I think my time is up, and I will certainly yield the floor to those who are wishing to speak. I hope we can start over. It is more important to do this right than to do it fast.

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

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

Mr. LEVIN. Mr. President, many who are filibustering this Defense appropriations bill tonight are filibustering because they want to delay health care. They want to delay the health care reform legislation from being voted on so the bill that provides the funding to support our men and women in uniform who are serving on the front lines, often under arduous and dangerous circumstances to protect our Nation, is being filibustered to keep the Senate from acting on another unrelated piece of legislation. This is not only unbelievable, it is unconscionable.

A 3.4-percent pay raise for the troops is being filibustered. Additional funding for needed medical research in traumatic brain injuries and posttraumatic stress syndrome, and to improve the care, the medical care for our wounded warriors is being filibustered tonight. Funding to provide over 6,000 MRAP vehicles—those are the Mine Resistant Ambush Protected vehicles that are so desperately needed by our troops in Afghanistan—is being filibustered tonight.

There is \$1.8 billion for what is called the joint IED organization, which has one purpose, one mission, and that is to develop and deploy technologies to protect our troops from the deadly Improvised Explosive Devices that have maimed and killed so many, is being filibustered here tonight.

There is \$470 million for family advocacy programs and full funding for family support and yellow ribbon programs to provide support to military families, including quality childcare, job training for spouses, expanded counseling and outreach to families experiencing the separation and the strain and the stress of war is being filibustered here tonight.

What in the world kind of message does a filibuster such as this send to our troops? Our troops deserve the full support—and they should know they have the full support—of the Congress when they are in the field carrying out the democratically arrived at policies and decisions of our government.

Instead, what they are getting tonight is a Republican filibuster. Those who are filibustering this Defense bill

because they think they are aiming at health care reform are tragically off target. They are hitting our troops and their families. How in the name of heaven should the well-being of our troops be sacrificed for 1 hour when they are sacrificing so much for us day after day?

There are those who are going to argue that the end they seek—the delay of the health care reform bill—justifies the means they are using: holding hostage the critical funding to support our troops and their families. I couldn't disagree more. The lesson our troops are going to take from the filibusters tonight is that those who are filibustering this bill think a short-term political objective is more important than a prompt vote of support and confidence for our military members and their families.

Just yesterday, the ranking member, the ranking Republican member of the Appropriations Committee, said the following about this appropriations bill:

This Defense appropriations bill ought to be passed and it ought to be passed as soon as possible in recognition of our respect for servicemembers and their families.

Our respect for our troops and the sacrifice they and their families make for our country every day is exactly why this filibuster should be defeated tonight.

Those who are filibustering this bill because they want to delay a vote on health care legislation should end that filibuster out of respect for our troops and their families—out of respect for our troops and their families—and for the sacrifices they make for this country every day. The Senate should defeat this filibuster tonight.

The stakes are huge, Mr. President. They were set forth in a letter we received from the Secretary of Defense. This is what the Secretary of Defense is telling us:

I am writing to advise you of my serious concern over the prospect that fiscal year 2010 appropriations authority for the Department of Defense could expire by Friday, December 18, 2009.

That is today. He goes on:

Should we face this unfortunate situation, it would result in a serious disruption in the worldwide activities of the Department of Defense and limit our ability to pay our workforce, including military forces.

I am going to repeat this. This is what our Secretary of Defense is saying. He is not someone who shoots from the hip. Our Secretary of Defense is one of the most serious-minded, careful Secretaries of any agency that I have ever known. The Secretary of Defense said the following. I will repeat it because I want everybody to know what the stakes are tonight if we don't defeat this filibuster:

Should we face this unfortunate situation, it would result in a serious disruption in the worldwide activities of the Department of Defense and limit our ability to pay our workforce, including military forces.

He concludes:

It is inconceivable to me that such a situation would be permitted to occur with U.S. forces actively deployed in combat. Accordingly, I strongly urge the Congress to do what is necessary to ensure the Department has the needed resources to fully and appropriately continue its vital national mission.

It is signed by Robert Gates. I hope everybody, before they decide whether to continue this filibuster, will read this letter from Secretary Gates and think about what the message is to our troops and their families if an unrelated issue as important as that issue is allowed to interfere with us appropriating the necessary funds for the men and women who put on the uniform of this Nation, who take that risk for us.

Let's remember that as we vote tonight and understand what the stakes are if this filibuster succeeds.

I yield the floor.

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

Mr. KYL. Mr. President, I find it rather curious that our colleague, my friend from Michigan, is accusing Republicans of filibustering this Defense appropriations bill. Republicans don't control the Senate or the House. The House just passed this bill Wednesday. Now, it could have been passed in October or September or July or perhaps it could have been passed in November.

Republicans didn't control the timing of this legislation. We have not been holding up the Defense appropriations bill. We always vote for the Defense appropriations bill. Everyone supports that. No, the majority controls the timing. The House finally got around—a week before Christmas or 10 days—to passing the bill, and they sent it here. The Senate took it up Thursday—yesterday.

Republicans are filibustering the bill? The majority leader brought it up yesterday. We are having the vote on it tonight. There is only one reason there are 60 votes required, and that is that the majority leader scheduled the vote at 1 a.m. in the morning for purposes that we all understand have to do with the health care legislation, and Republicans figured it was probably a good idea that we all be here and vote and, therefore, the majority could produce the 60 votes, which it has, there being 60 members of the majority. I suspect when we vote on this piece of legislation, virtually all of us in this body will support it. There is no question about that.

I find it odd that we are accused of filibustering. Have you heard any Republicans giving speeches about this? I think of Jimmy Stewart, in that great movie talking for 24 hours straight, or whatever it was, and Senator HUTCHISON from Texas just gave about a 5-minute speech primarily talking about health care. Republicans haven't been speaking this bill to death, talking the bill to death. As I said, it was just offered yesterday.

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

Mr. KYL. Let me complete my thought. We are voting on Friday morning, and so I think if anybody is staying up late enough to watch this, they might think it is rather odd. They haven't heard anybody talking this bill to death, filibustering.

Why haven't the Democrats been able to bring this most important bill to the Senate for a vote until a week before Christmas, when the fiscal year began October 1? Don't blame Republicans for the fact that this bill comes before us a week before Christmas and, therefore, we have to act on it at this point in time. Republicans had nothing to do with that timing. I will now yield.

Mr. DURBIN. I say to my friend from Arizona, the whip, what a great relief it is for him to say that. I will make a unanimous consent that we pass this, and we won't have to wait for the roll-call at 1 a.m., and Members can go home to their families. Will the Senator from Arizona join me in the unanimous consent request that we immediately take up, consider, and pass this important Department of Defense bill?

Mr. KYL. With all due respect, I will decline that kind invitation, given the fact that the majority leader saw fit to call us here to vote at 1 a.m. Everybody is probably on their way in, and they would appreciate the chance to do that and not be denied that opportunity.

Mr. LEVIN. If the Senator will yield for another question, I wonder if my good friend is aware of the statement of the ranking Republican on the Appropriations Committee, when he said that—the Senator from Arizona says we have not been talking, referring to Republicans, about the Defense appropriations bill at all. Is he aware of the statement of the ranking Republican on the Appropriations Committee, who said yesterday that this bill “ought to be passed as soon as possible, in recognition of our respect for the servicemembers and their families?”

I wonder if the Senator is aware of that statement, and “as soon as possible” is tonight, not tomorrow or the next day.

Mr. KYL. I am aware of it because the Senator from Michigan read it a moment ago. I talked to the Senator from Mississippi earlier today. There is nobody more committed to the troops than the Senator from Mississippi, who is concerned that we get this done. I talked to Secretary Gates about it today. There is no question the Defense Department needs to be funded, and there is a point in time in which the funding runs out, and it needs to be funded. That is not the Republicans' fault. The majority leader could have brought this up. And the House is controlled by Democrats. Republicans didn't delay this bill until a week before Christmas. If there is a concern about tonight, all you have to do is pass a continuing resolution for 24 hours or 48 hours. There is no question that the troops will be funded or the Defense Department will be funded. Nobody believes that is an issue.

The point is, don't blame Republicans for being here at almost 1 a.m. in the morning a week before Christmas. We don't control the timing of the legislation. We are not the reason the bill isn't ready until right now or it wasn't brought up until now. We certainly haven't been talking it to death.

The ACTING PRESIDENT pro tempore. The remainder of the Republicans' time is reserved for the minority leader.

Mr. KYL. I thank the Chair.

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

Mr. BARRASSO. Mr. President, I want to speak about the troops because I spent Thanksgiving with the troops, the troops from Wyoming, our National Guard—

Mr. REID. Mr. President, parliamentary inquiry.

The ACTING PRESIDENT pro tempore. There is a parliamentary inquiry from the leader.

Mr. REID. Under whose time is the Senator from Wyoming speaking?

The ACTING PRESIDENT pro tempore. The time for the Republican leader to close the argument is all the time remaining for the Republican side.

Mr. MCCONNELL. Mr. President, I yield 6 minutes to the Senator from Wyoming.

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

Mr. BARRASSO. Mr. President, listening to the debate and discussion tonight, I spent Thanksgiving with the troops from Wyoming who are serving our Nation overseas in Kuwait and in Iraq. These 700 men and women, driving in and out of Iraq on dangerous missions, have driven over 1 million miles. I went to three different bases in Kuwait to spend Thanksgiving with the troops, to pray with them, and tell them how the people of Wyoming are supportive of their efforts, tell them all of us at home are trying to do all we can to make sure their families know how much we care and that we want to do anything we can in our communities to help the families.

I held three townhall meetings on Thanksgiving day at different military bases in Kuwait. In those meetings, listening to the troops, they said they had what they needed in terms of the military supplies. But they said their biggest concern was jobs; what was going to happen to them when they got home. Would there be jobs in the energy field? Would they still be available? Do the people in Washington and in the Senate realize we have 10 percent unemployment in this country? They want to go back to their jobs. Do those people realize they are debating health care and that we have an economic crisis that the Senate ought to be focused on now? Do they realize all the discussions on health care are going to drive up the cost of care and cut Medicare and increase premiums for people and raise taxes? Do we care

what is going to happen to our families? And we want to know about jobs.

They know, as many of them are small business people, that the National Federation of Independent Business estimates that if we pass this health care bill, it will cost our Nation 1.6 million jobs by 2013. That is what the men and women in the field, on Thanksgiving Day, from Wyoming, who are part of our communities, our brothers, sisters, and the firefighters, policemen in our communities and the teachers in our schools—that is their concern. That was the No. 1 concern in the military that I heard about in three different townhall meetings that day.

They want us to focus on the economy. They said: I want to make sure a job is there when I get back. I want to make sure health care is not going to be made worse by what will happen in this Senate between now and the end of the year. And don't cut Medicare for my parents or raise my taxes, and don't make things worse for me.

I heard from the men and women in the field that they have the same concerns the other American people have, which is the rating on the health care bill which is at an all-time low. Only 32 percent, one in three Americans support what the Senate is trying to jam through before the holidays with the health care bill. They have great concerns because they believe their own costs are going to go up and quality will go down and the cost of care for the Nation will increase if we proceed with the health care bill.

The other question they asked, of course, is, What is in the bill? Have you seen the bill? Have you read the bill? I had with me at these townhall meetings the first 400 pages of the bill so they could look at that, and we went through some of it. As I was working my way through—and this was at the Thanksgiving recess—they were astonished. Even as of today, when I had a townhall meeting by phone two nights ago, the people of Wyoming said: Do you know what is in the bill right now? I had to say no.

Mr. WICKER. Will the Senator yield?

Mr. BARRASSO. Yes.

Mr. WICKER. Isn't the Senator from Wyoming saying that the troops he spoke to, and the troops we are going to fund in the next day or so with this legislation, want a strong country to come back to, and they would be happy if we were standing firm today, this weekend, to prevent the ever-increasing deficits, to prevent this country from being burdened with larger and larger debt, to protect the programs that they will come back to, and to make sure Medicare is not cut even further?

Isn't the Senator saying these troops expect us to be standing for the financial strength of this country so they can have the same America to come back to that they volunteered to fight for?

Mr. BARRASSO. Mr. President, that is exactly what I am saying. My colleague from Mississippi is so right.

That is what the men and women from Wyoming who are serving right now in Iraq and Kuwait want. They want to come home to the same country they left, the place where they have jobs, where they have opportunities for their children, where they are focused on growth, economic development, opportunities for the children, for the next generation.

They are very concerned about the debt. They are very concerned about the amount of spending going on by this Congress. They are very concerned. As one said, the debt is the threat. It is astonishing to be with our men and women in the field, with their guns and with their ammunition, and what they want to talk about is the national debt in the United States right now as a result of the extensive amounts of spending that are going on in this country. They are saying do not make things worse. What is going to happen to our kids? Senator, aren't we still borrowing more and more money from China? Why are we doing that? How much money do we owe to the Chinese people? That is what I heard from Kuwait on Thanksgiving.

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

Mr. BARRASSO. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has used the time yielded to him.

Mr. BARRASSO. I thank the Chair.

Mr. MCCONNELL. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. There is 3 minutes 8 seconds remaining.

Mr. MCCONNELL. Mr. President, regretfully, due to the schedule that the majority has set, we are going to be unable to finish the Defense bill before the current funding authority expires midnight on Friday. As we all know, the President will be out of the country. The House of Representatives, anticipating this problem, sent over a continuing resolution that would take care of the operations of this remaining portion of government unfunded through December 31.

With the President out of the country, of course, this would have to be flown over to him to be signed. With the country at war and troops in the field, it would be the height of irresponsibility to let funding for the Defense Department lapse. That is why, of course, the House of Representatives sent us this continuing resolution.

I have indicated to the majority that I would propound a consent agreement that we take up and pass this continuing resolution, and I will do that at this time.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 64, that the motion to proceed be agreed to, the joint resolution be read a third time and passed, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, I hope the American people have the opportunity to see this, even though it is in the middle of the night. On the west coast it is 3 hours earlier, so there will be a lot of people watching.

They are doing everything they can to stall, divert, and distract. And now they are using the troops. It is difficult to comprehend the illogic of my friends, the Republicans. We have a simple issue here.

There was a unanimous consent request by my friend, the assistant leader, a few minutes ago that said if you support the troops, let's pass this bill, and that was objected to. So I object to the unanimous consent request of my friend. I will say this: Don't worry about the President being gone. The President will be back tonight. OK?

Mr. MCCONNELL. Mr. President, I believe I have some time.

The PRESIDING OFFICER. Yes, 42 seconds.

Mr. MCCONNELL. Mr. President, the reason we are in this snarl is because my good friend, the majority leader, has this issue all tangled up with the debt ceiling extension and a health care bill that there is this rush to pass before Christmas, a 2,100-page bill and no one has seen the final version yet. All of these things are all tangled up together.

Our advice would be to quit trying to pass this health care bill before Christmas that has an artificial deadline to pass something that most of us have not seen. Let's do the necessary business of the government and do what Senator SNOWE has recommended continuously, which is that we pass the bill on a bipartisan basis with a broad coalition of support.

I believe my time may have expired.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The majority leader.

Mr. REID. I yield 3 minutes to my friend from Illinois.

Mr. DURBIN. Mr. President, it is difficult to reconcile the statements made by the Republican whip and the Republican leader. The Republican whip says we are not stopping the Defense bill. The Republican leader says because of actions that have been taken here, this bill cannot pass.

I made a unanimous consent request to end this debate immediately and pass this appropriations bill and fund our troops, which I think both Republican leaders have said they want to do. But, unfortunately, the Republican whip objected to it.

We know why we are here. We are here because, as Senator LEVIN of Michigan, the chairman of the Armed Services Committee, said, there is a Republican filibuster against the funding bill for our troops. There will be an opportunity in a few moments for Members on both sides of the aisle to vote, and I hope all of the Senators of both parties will vote—a vote of confidence in support for our men and

women in uniform by voting for this cloture motion, and then I will renew my unanimous consent request that we pass that bill immediately.

So there will be no questions, we will have had a rollcall vote, the Senate expressed its sentiment, and we move forward. I do not think there is any reason for us to delay this another minute. The fact we are here early in the morning may be part of a strategy I hope the Republicans have abandoned.

It is time to stand behind our troops and not abandon them during the course of war.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, "We should not cause uncertainty or hardship for our Armed Forces." The senior Senator from Mississippi, a Republican, said that.

"Playing politics with the critical funding that our troops need now is political theater of the worst kind." The junior Senator from Texas, a Republican, said that.

"Our obligation to those troops must transcend politics." The junior Senator from Arizona, the Republican whip, said that.

"Every day we don't fund our troops is a day their ability to fight this war is weakened." The senior Senator from Kentucky, the Republican leader, said that.

And yet not a single one of these Republican Senators, not a single one of the 40 Republicans in this body, has committed to renewing our commitment to our troops before the funding expires later today.

We are voting at this rare late hour, but not even the darkness outside can conceal the game being played inside this Senate Chamber. We are here in the middle of the night, but the reason is as clear as day. Senate Republicans so desperately want to turn their backs on Americans who are suffering and dying for want of decent health care—45,000 a year, 750,000 bankruptcies, 14,000 losing their insurance every day—that they are turning their backs on America's troops at wartime.

Rarely has the Senate seen such a sad statement. Rarely have I seen such brazen irresponsibility, and rarely have our Nation's citizens received such little regard from their leaders.

Our sons and daughters are fighting tonight and every night in the deserts of Iraq and in the bitter cold mountains and valleys in Afghanistan on our behalf. The least we can do is make sure they have the training and equipment they need to succeed—the least we can do.

Our Nation's bravest spend month after month half a world away from their families and children. The least we can do is make sure those military families and children who have already sacrificed so much can get the health care they need.

Our Nation's most selfless men and women volunteer for duty. We have an

all-volunteer Army. Every single one stepped forward to serve. They volunteered. The least we can do is to give them the well-deserved pay raise they need.

I received a letter, as has been announced here a few hours ago. The letter that Senator DURBIN and the senior Senator from Michigan talked about is a letter addressed to me. He let me know he has no patience for the partisan games being played and no time for the precious hours that are being wasted. He expressed, in his words, serious concern that this Senate might cause "a serious disruption in our military efforts around the world." But Secretary Gates added this:

It is inconceivable to me that such a situation would be permitted to occur with United States forces actively deployed in combat.

I agree. I couldn't agree more. I am going to vote for this bill in support of every single one of those servicemembers, including the hundreds of Nevadans who at this very moment fight for our Nation in other nations around the world.

I will vote yes because I support the 432 men and women from the 221st Armored Cavalry from Las Vegas and the 102 men and women from the 152nd Air Guard in Reno, both of which serve in Afghanistan. There are other Nevadans serving around the world.

Those on the other side of the aisle have stubbornly said they will not. The Senate Republican leadership has shamelessly turned the funding of our military into a purely partisan exercise. They can make all the excuses they want. We are here at 1 o'clock in the morning because of the Republicans. We could have voted for this bill 2 days ago. I even had some Republican Senators tell me, regretfully and regrettably—they have admitted this to me personally, they have told me plainly that while they want to support our troops, they fear retribution from their own leaders. Retribution from their own leaders.

We know Senators on this side of the aisle have made commitments to vote for this. That is not exactly what John Kennedy, who was not only President of the United States but a war hero who served in this very body, would call a profile in courage.

I am confident not a single one of our troops could care less whether the leaders who give them what they need to succeed are progressives or conservatives. I am certain these men and women on deployment after deployment spend more time counting the days until they see their loved ones again than they do counting the political points scored on either side.

My vote in support of these soldiers, sailors, marines, and airmen has nothing to do with the party with which I am affiliated and everything to do with the country for which I took an oath to support and defend.

Although it is shortly after midnight here in Washington, DC, our Nation's

Capital, it is late morning on the battlefields of Iraq and Afghanistan. When the Sun rises over this city, this great city of Washington, a few hours from now, you will be able to see out those windows on the west side of this Capitol and see past the great monuments of Washington and Lincoln, and you will be able to see the Potomac River and see the skyline break for the great lawn of Arlington. Within that consecrated ground, in neat rows that rise and fall with the rolling hills, lie the remains of men and women, boys and girls who fought and fell for our flag.

Their headstones are simple, and from a distance they are identical. No matter how closely you look at the words and symbols etched in those solemn marble gravestones, you will never be able to discern whether that warrior beneath was a Democrat, an Independent, or a Republican. We cannot tell for whom he voted in the last election of his life or what she thought of this policy or that policy. That is not by accident. That is not an oversight.

While the demarcations of left and right, of red and blue seem so important to the daily lives as air and water to some of us, those stones are eternal reminders of such triviality. Dedication to this Nation above all else—"All For Our Country," which is Nevada's motto, should guide us now. On this hill, on this side of the river, in this early morning hour, we can stand a little more of selflessness we too often keep at a distance on the sacred ground we call Arlington.

I ask unanimous consent that the vote begin.

#### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant 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 motion to concur in the House amendment to the Senate amendment to H.R. 3326, the Department of Defense Appropriations Act for Fiscal Year 2010.

Daniel K. Inouye, Harry Reid, Max Baucus, Patrick J. Leahy, Sheldon Whitehouse, Carl Levin, Patty Murray, Mark Begich, Maria Cantwell, Mark L. Pryor, Jack Reed, Edward E. Kaufman, Al Franken, Tom Harkin, Jim Webb, Paul G. Kirk, Jr., Michael F. Bennet.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the amendment of the House to H.R. 3326, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Georgia (Mr. CHAMBLISS), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), and the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay," and the Senator from Texas (Mr. CORNYN) would have voted "nay."

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 33, as follows:

[Rollcall Vote No. 381 Leg.]

#### YEAS—63

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

#### NAYS—33

Alexander	Enzi	McCain
Barrasso	Graham	McConnell
Bennett	Grassley	Murkowski
Brownback	Gregg	Risch
Burr	Hatch	Roberts
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Crapo	Kyl	Vitter
DeMint	LeMieux	Voinovich
Ensign	Lugar	Wicker

#### NOT VOTING—4

Bond	Chambliss
Bunning	Cornyn

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 63, the nays are 33. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to refer falls.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, in light of the vote and the fact that cloture has been invoked on the motion to concur, I ask unanimous consent that the motion to concur in the House amendment to the Senate amendment with an amendment be withdrawn, all postcloture time be yielded back, and the motion to concur in the House amendment to the Senate amendment to H.R. 3326 be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. I object.

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

Mr. REID. For the information of all Senators, unless we can work something out with the minority, the next

vote will occur very early on Saturday morning, around 7:30 or so that morning. There could be several votes. We will work with the minority to find out, in fact, if they want these other votes. I hope we can make that determination tomorrow. We have some people for whom that would be very convenient, if they knew it would be a simple majority vote or whether we need 60 votes on some of the issues that might be raised. We have one Member, of course, who has to walk very early, a long ways, and others who will be terribly inconvenienced.

But unless we hear from our friends on the other side of the aisle, the vote will occur at 7:30 or so Saturday morning. That is tomorrow.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### MORNING BUSINESS

Mr. DURBIN. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME

Mr. DURBIN. Mr. President, I understand H.R. 4314 has been received from the House and is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4314) to permit continued financing of Government operations.

Mr. DURBIN. I ask for its second reading and object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### ORDERS FOR FRIDAY, DECEMBER 18, 2009

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business, it adjourn until 11 a.m., Friday, December 18; that the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House message with respect to H.R. 3326, the Department of Defense appro-

priations bill, postcloture, with Senators permitted to speak therein for up to 10 minutes each; that following any leader remarks, the time until 12 o'clock be equally divided between the two leaders or their designees, and with the time from 12 o'clock until 4 p.m. equally divided and controlled in 30-minute alternating blocks of time, with the Republicans controlling the first block and the majority controlling the next block.

Further, I ask that the time until 4 p.m. count postcloture.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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#### SCHEDULE

Mr. DURBIN. Mr. President, this morning cloture was invoked on the House message with respect to the Defense appropriations bill. If all postcloture time is used, the Senate will proceed to vote on the motion to concur at approximately 7:30 a.m. Saturday.

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#### ADJOURNMENT UNTIL 11 A.M. TODAY

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 1:47 a.m., adjourned until Friday, December 18, 2009, at 11 a.m.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S13401–13408*

#### Measures Considered:

**Department of Defense Appropriations Act—Agreement:** Senate continued consideration of the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, taking action on the following motions and amendments proposed thereto:

**Pages S13402–08**

#### Pending:

Senator Reid entered a motion to concur in the amendment of the House to the amendment of the Senate to the bill.

**Page S13402**

Senator Reid entered a motion to concur in the amendment of the House to the amendment of the Senate with Amendment No. 3248 (to the House Amendment to the Senate Amendment), to change the enactment date.

**Page S13402**

Reid Amendment No. 3252 (to Reid Amendment No. 3248), to change the enactment date.

**Page S13402**

During consideration of this measure today, Senate also took the following action:

By 63 yeas to 33 nays (Vote No. 381), two-thirds of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to concur in the amendment of the House to the amendment of the Senate to the bill.

**Page S13407**

Senator Reid motion to refer the amendment of the House to the Committee on Appropriations, with instructions, Reid Amendment No. 3249, to provide for a study, fell when cloture was invoked

on the motion to concur in the amendment of the House to the amendment of the Senate to the bill.

**Page S13402**

Reid Amendment No. 3250 (to Amendment No. 3249), of a perfecting nature, fell when the motion to refer fell.

**Page S13402**

Reid Amendment No. 3251 (to Amendment No. 3250), of a perfecting nature, fell when Reid Amendment No. 3250 fell.

**Page S13402**

A unanimous-consent-time agreement was reached providing for further consideration of the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill at approximately 11 a.m., on Friday, December 18, 2009, post-cloture with Senators permitted to speak therein for up to 10 minutes each; that following any Leader remarks the time until 12 p.m. be equally divided and controlled between the two Leaders, or their designees, and with the time from 12 p.m. until 4 p.m. equally divided and controlled in 30-minute alternating blocks of time with the Republicans controlling the first block and the Majority controlling the next block; provided further, the time until 4 p.m. count post-cloture.

**Page S13408**

#### Measures Read the First Time:

**Page S13408**

**Record Votes:** One record vote was taken today. (Total—381)

**Page S13407**

**Adjournment:** Senate convened at 12:03 a.m., and adjourned at 1:47 a.m., on Friday, December 18, 2009 and will reconvene at 11 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record).

**Page S13408**

### Committee Meetings

*(Committees not listed did not meet)*

No committee meetings were held.

# House of Representatives

## *Chamber Action*

The House was not in session today. The House is scheduled to meet at noon on Saturday, December 19, 2009 unless it sooner has received a message from the Senate transmitting its concurrence in H. Con. Res. 223, in which case the House shall stand adjourned pursuant to that concurrent resolution.

## *Committee Meetings*

### GOVERNMENT AS A SHAREHOLDER

*Committee on Oversight and Government Reform:* Subcommittee on Domestic Policy continued hearings entitled “The U.S. Government as Dominant Share-

holder: How Should the Taxpayers’ Ownership Rights be Exercised?” Testimony was heard from Herbert M. Allison, Jr., Assistant Secretary, Financial Stability, Department of the Treasury.

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### COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 18, 2009

*(Committee meetings are open unless otherwise indicated)*

#### Senate

No meetings/hearing scheduled.

#### House

No committee meetings are scheduled.

*Next Meeting of the SENATE*

11 a.m., Friday, December 18

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12 p.m., Saturday, December 19

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Senate Chamber

**Program for Friday:** Senate will continue consideration of the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 3326, Department of Defense Appropriations Act.

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House Chamber

**Program for Saturday:** To be announced.



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