

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 proceed to H.R. 6331, the Medicare Improvements for Patients and Providers Act.

Harry Reid, Max Baucus, Debbie Stabenow, Jeff Bingaman, Patty Murray, John D. Rockefeller, IV, Thomas R. Carper, Mark L. Pryor, John F. Kerry, Dianne Feinstein, Richard Durbin, Daniel K. Inouye, Bill Nelson, Bernard Sanders, Jon Tester, Jim Webb, Frank R. Lautenberg.

UNANIMOUS CONSENT AGREEMENT—H.R. 6304

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, July 8, at a time to be determined by the majority leader, following consultation with Senator MCCONNELL, all postcloture time be yielded back and the motion to proceed to Calendar No. 827, H.R. 6304, be agreed to, the motion to reconsider be laid upon the table, and the Senate then proceed to the consideration of the bill; that once the bill is reported, the only amendments in order be the following: Dodd-Feingold-Leahy amendment to strike immunity; a Specter amendment which is relevant; a Bingaman amendment re: staying court cases against telecom companies; that no other amendments be in order; that debate time on the Bingaman amendment be limited to 60 minutes, equally divided and controlled in the usual form, and 2 hours each with respect to the Dodd and Specter amendments, equally divided and controlled, with 10 minutes of the Dodd time under the control of Senator LEAHY; that upon the use or yielding back of all time, the Senate proceed to vote on the pending amendments; there be 2 minutes of debate equally divided and controlled in the usual form prior to each vote; that after the first vote in the sequence, succeeding votes be limited to 10 minutes each; that upon the disposition of all amendments, the bill, as amended, if amended, be read a third time and the Senate then proceed to vote on a motion to invoke cloture on the bill, with the mandatory quorum waived; that prior to the cloture vote, there be 60 minutes plus the time specified below for debate time, equally divided and controlled between the two leaders or their designees, with 10 minutes under the control of Senator LEAHY, with an additional 30 minutes under the control of Senator FEINGOLD, with an additional 15 minutes under the control of Senator DODD; further, that if cloture is invoked on H.R. 6304, then all postcloture time be yielded back, and without further intervening action or debate, the Senate proceed to vote on passage of the bill, as amended, if amended; further, that it be in order to file the cloture motion on the bill at any time prior to the cloture vote, with the mandatory quorum waived, notwithstanding rule XXII, if applicable, and that if applicable,

postcloture time be charged during this agreement.

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

FISA AMENDMENTS ACT OF 2008—
MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now send a cloture motion to the desk.

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

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 H.R. 6304, the FISA Amendments Act of 2008.

E. Benjamin Nelson, John D. Rockefeller, IV, Thomas R. Carper, Mark L. Pryor, Bill Nelson, Dianne Feinstein, Robert P. Casey, Jr., Barbara A. Mikulski, Claire McCaskill, Kent Conrad, Daniel K. Inouye, Mary L. Landrieu, Joseph I. Lieberman, Sheldon Whitehouse, Evan Bayh, Ken Salazar.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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.

FORECLOSURE PREVENTION ACT
OF 2008

Mr. REID. Mr. President, notwithstanding rule XXII, I ask that the Chair lay before the Senate a message from the House of Representatives with respect to H.R. 3221.

The PRESIDING OFFICER. The clerk will report the message with respect to H.R. 3221.

The legislative clerk read as follows:

A message from the House of Representatives to accompany H.R. 3221, to provide needed housing reform and for other purposes.

Mr. REID. Mr. President, I move that the Senate concur in the amendments of the House striking titles VI through XI to H.R. 3221, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture 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 motion to concur in the amendments of the House, striking title VI through XI, to the Senate amendment to H.R. 3221, the Foreclosure Prevention Act.

Harry Reid, Christopher J. Dodd, John D. Rockefeller, IV, Debbie Stabenow, Jeff Bingaman, Ken Salazar, Joseph R. Biden, Jr., Max Baucus, Patty Murray, Barbara A. Mikulski, Charles E. Schumer, Sheldon Whitehouse, Sherrod Brown, Bill Nelson, John F. Kerry, Robert P. Casey, Jr., Benjamin L. Cardin, Frank R. Lautenberg.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote occur at 5 p.m., Monday, July 7, with the hour prior to the cloture vote equally divided and controlled between the chair and ranking member of the Banking Committee, and that no other motions be in order.

The PRESIDING OFFICER. Is there objection?

The Chairs hears none, and it is so ordered.

Mr. REID. Mr. President, let me say this. I had one Senator come to me today and say: You know, why don't we spend more time here? We set out to accomplish certain things. We haven't been able to accomplish everything we wanted, but I say to everyone here, the procedures we just now went through would take, if we followed every step of the procedure of this body, well into late next week. So people should just be satisfied that we are going to be able to have whatever the action is on Medicare, whether it passes or doesn't. At least we are going to have final action on that now, we are going to be able to complete the supplemental, and we have a time set to complete FISA early next week, with people having all the opportunity they want to talk about how great it is and how horrible that bill is.

We also have a pathway so that Senators SHELBY and DODD can complete the housing bill. I think it is a good piece of work. Was it as smooth as I would like? No. As I said when I came here this morning, when I gave the example of going out with my dad as a boy and gathering wood, and we would get stuck in those washes and those back tires would spin and spin, that vehicle was going a thousand miles an hour but going nowhere; it was stuck in sand and nothing would happen, and we would work and put stuff under the tires and push it, and it took a long time but we always got it unstuck. Well, we would have gotten unstuck here; it is just a question of when, and the "when" is now.

So I say to the individual who asked me about this, is this something that is real pleasant to watch? Probably not. But for this country, the Senate has been doing this for 230-some-odd years, and that is how it works. We have heard a lot of times, as we watch the legislative process in action, that it is like watching the stuff they put into the hot dog: it is probably not too pleasant to watch, but it tastes pretty good when you chomp on it. That is what this legislation is all about.

I think we are going to have the ability to work on issues important to the

country. We know how important this supplemental is to lots of people in this country. We know how important the FISA legislation is. We know how important the housing bill is. And, of course, we know how important the Medicare bill is. Will they all wind up at a point where everyone in the Senate wants them? Probably not. But at least we have the opportunity to have finality on all of these.

So I extend my appreciation to the people on my side who have agreed to drop amendments and work toward a common goal. As Senator McCONNELL and I have said here on the floor on a number of occasions, these are difficult times. The Senate is divided 51 to 49. Although we are in the majority, it is a slim majority. And our will has been tested this past year and a half. As we remember very clearly, one of our Senators got very ill before we were even able to swear in the Presiding Officer and others of the nine Democratic Senators and one Republican Senator. But we worked our way through that.

We have worked our way through a lot of difficult issues, and I say to my friend the Republican leader, I know, frankly, that I get upset at him sometimes, but I always try to do it in a way that I hope brings dignity to this body. He has a job to do, I have a job to do, and we will continue to do that. I am happy we have been able to get to the point where we are today.

Mr. McCONNELL. Mr. President, let me add briefly that we are on a glidepath to completion here of a number of extremely important measures to our country, from the supplemental, which will fund the war in Iraq and Afghanistan, which also includes an important new veterans benefit program; to the Foreign Intelligence Surveillance Act, which has helped protect us against attacks since 9/11; to an important Medicare bill, which will be resolved in one way or another in the next few weeks; to an important housing bill. In each of these instances, we will end up getting a bipartisan result at some point in the very near future on very important issues for the American people. So I think today has been very successful in crafting a pathway—a glidepath, if you will—to completion. I share the majority leader's view that this was a day of considerable accomplishment on major issues for the American people.

I yield the floor.

Mr. REID. Mr. President, if the Republican leader has completed his statement, I would ask unanimous consent that the final 20 minutes—10 minutes for Senator McCONNELL and 10 minutes for me—be reserved for us. If other people want to come and use that time, we will use leader time, but prior to the vote we would ask for the opportunity to speak.

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

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008—MOTION TO PROCEED

The PRESIDING OFFICER. The motion to proceed to H.R. 6331 is considered to have been made under the previous order.

The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 836 (H.R. 6331) an act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

The PRESIDING OFFICER. There are now 60 minutes for debate on that motion.

The Senator from Illinois.

Mr. DURBIN. Mr. President, when we finally vote on the floor, it is on the Medicare Program. The Medicare Program is literally a life-and-death program for 40 million Americans. For 40 million Americans who are either over the age of 65 or disabled, this is their health insurance program.

It was created back in the 1960s. When it was created by President Lyndon Baines Johnson, its critics said: This is too big. This is too much government. This is socialized medicine, they said. And many voted against it, saying it was a mistake. Well, after 40 or more years, we know it wasn't a mistake. It may be one of the most thoughtful and important programs enacted since Social Security because it gave peace of mind to senior citizens. They knew when they reached that moment in life when they were likely to be more vulnerable to illness and disease, they would have health insurance. They could go to a hospital or doctor and get basic care and not worry about whether they were wealthy enough to have health insurance or enough savings to cover a medical catastrophe. So this program, which was derided and criticized for being too much government, has been one of the great success stories of this country, and the seniors value it. Every one of them values it.

My brother, who retired from the private sector in his early sixties—a pretty conservative fellow when it comes right down to it, politically—turned out to have had some heart problems. And it turned out he also didn't have any health insurance after he retired. He was really waiting and hoping he could make it to the age of 65 before something else would happen because a few more trips to the hospital and a few more surgeries might have really hurt his retirement plans. He made it. He is covered by Medicare and doing well. And that is just one example of thousands that can be given.

So we have a vote today which should be a pretty simple vote. It was a very simple vote in the House of Representatives. There is a proposal to cut

the reimbursement, the compensation, for doctors under Medicare by about 10 percent on July 1. I think that is a bad idea. These providers don't get paid a lot of money for treating Medicare patients, and to cut their reimbursement may force many doctors to say: We just can't see as many Medicare patients or maybe none at all. So fewer doctors, if this pay cut goes through, are likely to treat Medicare patients. That is not a good outcome. It means that many of the Medicare patients won't be able to go to the doctors who have been treating them for long periods of time and there will be real uncertainty about their future. So we wanted to make sure this pay cut did not go into effect July 1.

The House of Representatives considered this, and in an overwhelming bipartisan vote they voted not to cut the pay for doctors treating Medicare patients. The vote was 355 to 59. That is a 6-to-1 margin in the House of Representatives—totally bipartisan. You would think a bill with that kind of vote would come over here without much controversy. But, of course, those people don't know how to measure the Senate.

In the Senate, there have been those on the other side of the aisle, the Republican side, who have found reason to object to this effort to make sure Medicare doctors get fair pay. It comes down to a lot of reasons they have given, but as they say in politics—or as one old fellow I used to work for by the name of Cecil Partee, a State senate president in Illinois, used to say—for every vote, there is a good reason and a real reason. Well, they are using as a good reason here to vote against this protection of Medicare doctors that, unfortunately, it might involve some increase in taxes or changes in private health insurance. The real reason? The real reason is that this bill goes after—in a small way—private health insurance companies that are selling Medicare coverage, the so-called Medicare Advantage companies.

You see, there are many on the Republican side who haven't gotten over the debate in the 1960s. They still think Medicare is socialism. They still think this is too much government. They want to privatize this. They believe we could rest easy every night if we were in the loving arms of a health insurance company. They obviously haven't had to pick up the phone and talk to some clerk in the middle of nowhere who is denying your claim because of something in the policy you didn't know existed—which has happened to many people across America. No, on the Republican side, they are afraid that any cutback in the profit taking by these private health insurance companies will be uncomfortable for some of their friends. So they are prepared to allow this cut in pay for doctors under Medicare to go through to protect the private health insurance companies offering Medicare coverage.

So I guess the honest question is, Are the private health insurance companies