United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, DECEMBER 8, 2009 No. 183

House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SPEIER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 8, 2009.

I hereby appoint the Honorable JACKIE SPEIER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

A GREEN LIGHT FOR THE REAUTHORIZATION OF THE SURFACE TRANSPORTATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, this is one of those rare occasions where Congress can put everything together for a holiday gift for Americans. People in this city and across the country are obsessed with the concern to create jobs. It is appropriate and imperative that we do so. All the objective evidence suggested that the economic recovery package made a huge difference, but not enough.

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.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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As my friend and colleague Mr. DEFAZIO, from the Transportation and Infrastructure Committee, has documented, the economic recovery package had only 4 percent of its funds dedicated for infrastructure, but it created 25 percent of the jobs. Mr. OBERSTAR, and Subcommittee Chair DEFAZIO, have been working for 3 years on the reauthorization of the biggest infrastructure package that we will look at—the Surface Transportation Act. The evidence is that they are, literally, just weeks away from the opportunity to bring this legislation to the floor.

At the same time, we see the consensus building, at least on the Democratic side of the aisle and with the administration, that it is time to revisit efforts to revitalize the economy, that the original economic recovery package simply wasn't big enough considering the problems that we were facing. There is an opportunity to take unused TARP money, part of the hundreds of billions of dollars that was set aside, to help the financial sector recover after it brought our economy to, literally, the brink of collapse.

Well, we've seen at least that area stabilize. Some of the money is being repaid, and the balance is not likely to be needed for an economic emergency like we saw last year. So we should be able to take a significant portion of that unused TARP money and, rather than sending it to Wall Street, sending it instead to Main Street, perhaps to your street to be able to front-load the reauthorization of the Surface Transportation Act to be able to have 6-year funding certainty.

This is a very important opportunity that we should not lose because, at a time when we are concerned about deficits in the Federal budget, there is a yawning deficit in the highway trust fund which simply is not going to be able to meet the current needs of America's highways and transit projects, let alone its future. At the same time, there is an opportunity for us to improve the Federal balance sheet. There is support for the concepts of having user fees that are available to be able to shore up those trust funds that fund infrastructure.

For instance, the administration has placed in its budget the reimposition of the Superfund tax—a tax on the polluters who created these toxic problems all across America, a tax that expired years ago. The previous folks who ran this place would not allow us even to consider its reenactment. Well, it's in the President's budget, which is one example of where a simple action—having polluters pay—will be able to have the economic activity of cleaning up Superfund sites while we are shoring up the Federal budget.

Madam Speaker, if we move forward with the reauthorization of the Transportation Act, if we deal with water infrastructure, if we beef up our economic recovery efforts, and reenact a Superfund tax, we will have an opportunity to invest in America's future and to put millions of Americans back to work. Unlike other areas of expenditure, this is truly an investment in America's future, which will generate other economic activities and will help the long-term fiscal health of our Nation while we strengthen our families and our communities.

I hope there is a green light for floor time for the Transportation bill. I hope there is a commitment to front-load the Transportation bill with TARP money and that we can get a Transportation bill passed next month and on its way to the Senate so we can put America back to work.

PUT AMERICA BACK TO WORK AND REBUILD AMERICA'S DECREPIT INFRASTRUCTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Madam Speaker, the President brought the jobs summit to a very unfortunate and, unfortunately, ill-informed close in his summary statement.

The President is skeptical about shovel-ready projects. He said the term ''shovel-ready.'' Let's be honest. It doesn't always live up to its billing. Well, if he is talking about other than infrastructure, he is right.

The Department of Energy managed to commit a tiny fraction of the money in the stimulus bill, and that which they have committed has created thousands of jobs. Yeah. Unfortunately, they are jobs in China of making windmills that will be shipped to the United States of America. Not exactly what we had in mind.

Maybe it's the tax cuts all across America. People every week are grateful for their tax cuts. No. Actually, they don't know that they get a minuscule reduction in their withholdings, and that's what is supposed to rebuild our economy. There was seven times as much money for tax cuts as there was for transportation infrastructure.

Now let's examine the President's statement a little further. I think he is very, very ill-advised by a prejudiced group of economic advisers who, for some reason, were frightened by infrastructure at a young age, perhaps. Whatever the reason, they hate it—plain and simple—because the fact is, as the previous gentleman said, 4 percent of the funding, that which was spent and is already committed and is underway in infrastructure, has created 25 percent of the jobs. All of that money will be spent out by next summer. There are hundreds of billions of dollars in other programs that aren't being spent out so well, but the shovel-ready transportation infrastructure projects are going forward.

We had a report last week. There is $49 billion more in bridge and highway projects. We have 160,000 bridges that need reconstruction across America. That's steel. That's concrete. That's construction jobs. That's engineering work. There is no long lead time. There is no lengthy environmental review. We are replacing or rebuilding things that are already in place. In addition to that, there are many other road and highway projects of great merit. That can be committed within 120 days—$49 billion. It could take place next construction season—$16 billion in intermodal, port and other access issues.

Then perhaps this will get the attention out at the White House: $20 billion in transit. We are killing people on our transit systems because of the outmoded, decrepit infrastructure we have. There is an $80 billion backlog. When you begin to fill that backlog, what you can do within a day in some places, like the Chicago Transit Authority, which spent a quarter of $1 billion in 30 days, which is all the money they got—they spent it in 30 days because they have a decrepit system. They ordered things that create a huge multiplier effect and jobs across the economy—transit vehicles, buses. Then people who make parts for buses have jobs. We have ''buy America'' provisions so the jobs aren't going to China like the DOE grants are. These are the kinds of investments we need to be making. These things work.

Now, why won't his advisers wake up and tell him the truth?

Most of the jobs, the real jobs—the private-sector jobs—that were created by this last so-called ''stimulus,'' were in transportation infrastructure. The money has been successfully spent and obligated. We can give him those statistics. I defy them to go to any other part of that bill other than the money that kept teachers working and other things that helped the States or the tax cuts where the money has spent out at such a rapid rate.

So it's time to reorient the thinking down there on the economic team at the White House. If we want to put America back to work next year, we need to dedicate more funds for rebuilding our decrepit infrastructure across this country. Get the huge multiplier effect we get with that. We have a total of close to $80 billion of projects ready to go in 120 days. These aren't just your resurfacing things like we saw last year. These are major projects—bridge replacements and major work on transit systems—that are ready to go, that are shovel-ready to go. No lie there.

I hope some of his advisers are listening, that they'll look at the facts and will send the President a corrective memo on these issues.

HEALTH CARE REFORM IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Madam Speaker, this weekend, my Senator and constituent, Minority Leader MITCH MCCONNELL, made a statement on the

floor of the Senate that was, quite honestly, pretty remarkable. It was special, not because it was passionately delivered or because it was well-constructed, but because it so perfectly illuminated just how disconnected from reality the Senate's opponents of health care reform are.

Of the legislation pending in Congress, the minority leader said, ''I am sure there are people in Kentucky who are for it. I have not met one.''

Not one? Needless to say, this Kentuckian, for one, found the statement difficult to swallow, but that's beside the point.

The point is that my senior Senator made the claim despite poll after poll showing that the majority of the American people are for it, including not one but more than 1 million Kentuckians. The minority leader has read the same polls I have. I would venture to say that he has heard from many of the same thousands of Louisvillians from whom I've gotten calls, letters, e-mails, faxes, and visits. Everywhere I go in Louisville—from the VA hospital to community cookouts to the aisles of Kroger—I hear from people with valid perspectives on both sides of the issues, and we were elected to listen to all of them.

Yet my fellow Louisville resident proudly took the floor of the United States Senate this weekend and bragged that he was ignoring his constituents, half of them at least. He denied them as though a desire for reform is some sort of a preexisting condition that entitles him to abdicate his responsibilities to us.

Senator, you don't have to take my word for it, and I won't ask you to go searching through all of your old mail. If you're listening, I'd like to take this opportunity to introduce you to a few of your constituents and mine—yes, your fellow Kentuckians. Then maybe the next time you exert your considerable power to stop something that you know is of vital importance to many of your constituents, you will take time to consider their views as well.

Elizabeth of Louisville wrote, ''I am a single mother with two children. I am offered health insurance through my employer, but due to the high cost of this insurance, I do not always have enough money to go to the doctor when I need to. Health insurance companies have had at least two decades to get it together and fix the system they have in place, but they have chosen not to. Please do not place the citizens of this country at the mercy of some of the wealthiest companies in this country.''

Bobby of Okolona wrote, ''As a veteran and recently unemployed worker, I want to thank you for taking a stand on health care reform. I lost my job and insurance coverage in May of 2008. Do we need health care reform? You bet.''

Mary of Louisville wrote, ''I am asking you to support health care reform. We need a public option plan. My brother is a 59-year-old diabetic, and is unable to get health care coverage. He is excluded from any plan.''

Alvin of East End wrote, ''Please do not let health care reform fail. I am a Registered Nurse. I've worked as a case manager at a local hospital. I have seen private insurance deny patients acute rehab after a stroke; whereas, with Medicare, we could have seen them.''

Elizabeth of the East End wrote, ''I am behind health care reform 100 percent. I am worried about our young adult children and how they can afford it. I have a child who had cancer. I've told her she needs to have a job that provides health insurance when she graduates. The insurance companies need to provide for those who need it most, not just the ones who are healthy.''

□ 0915

Gregg of Louisville wrote, ''Today I received my annual premium increase. My new premium has increased 32 percent. This has followed 18 to 25 percent increases in the last 3 years.''

Andrea of Shively wrote, ''Please vote for the health care bill. I am a heart attack survivor, and I am praying that I can stay with my company to keep my insurance. I will never be able to leave this company now that I have a preexisting condition.''

Sandra of Prospect wrote, ''I am totally behind President Obama's health care reform. I have insurance now, but was not allowed to have it for 4 years due to a preexisting condition. I lived in utter terror the entire time, fearing I would lose my house if I became sick.''

Phyllis of the Highlands wrote, ''I think we need health care for more people. For years, I struggled as a single parent to pay for health insurance for my five children, and it frequently cost me more than 30 percent of my income—in addition to copays.''

Christian of Crescent Hill wrote, ''I know what it is like not to have this basic human right, and I know how much better the quality of my life is now that I do not have to worry about it. I believe that it is shameful that we are the only developed country in the world without a public health system, and I would like to voice my support of the President's plan.

Finally, Matthew G., a 10-year-old boy from Louisville wrote, ''My parents spend $50,000 per year for my brother's autism, and I think it's a national crisis. It's just not fair, and this is a fair country, and everybody, no matter who they are, including my brother, Eric, should be treated equally.''

Senator MCCONNELL, these are your constituents, yours and mine, and they are Americans. They are deserving of your attention and not your scorn. Please come with me to Louisville, and I will introduce you to more of the people who support health care reform for America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 17 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. BALDWIN) at 10 a.m.

PRAYER

Rev. Richard Hynes, Office of Evangelism, Archdiocese of Chicago, Chicago, Illinois, offered the following prayer:

Lord God, on this date, Catholics honor Jesus' mother, her own conception, especially today at the Shrine of the Immaculate Conception in Washington, which is dedicated in her honor as our patroness of the United States of America.

God of peace and justice, 68 years ago today, from this Chamber, President Franklin Roosevelt asked Congress for the permission to respond to terror inflicted on our country in Pearl Harbor the previous day.

Sadly, Lord God, terror continues today. Individuals, groups of individuals, and even some nation-states imagine terror, prepare for terror, and conspire for terror. However, the necessity to protect innocent people, the right of communities to live in peace, the expectation that people can live with differences and in harmony remain deep desires for Americans and for many others of goodwill.

Guide our Nation with right judgment and courage. Encourage all who labor for an end to terror. We shall never cease seeking Your inspiration in our endeavors to imagine peace and to work for justice.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. SESTAK) come forward and lead the House in the Pledge of Allegiance.

Mr. SESTAK 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.

EXTENDED COBRA CONTINUATION PROTECTION ACT

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Madam Speaker, I rise today to ask the House to quickly pass the Extended COBRA Continuation Protection Act to ensure health coverage for millions of Americans who, through no fault of their own, have lost their jobs and now, because Wall Street gambled with their savings, cannot afford the COBRA premiums to keep their health care from their former employer.

So, in the economic stimulus bill we provided 65 percent of the cost of those premiums, but those benefits are now running out for those who were laid off first. I ask this House to quickly pass the bill to extend those COBRA premium subsidies for 6 months.

Take a woman in my district. She pays $535 for her 35 percent share of the premiums. It will go over $1,500 very soon if we do not act. And she has a preexisting condition and must keep on her health care plan.

Hundreds have contacted my office regarding this, and I ask this House to quickly help. As we come out of this savage recession, it's not just economic security, but it's health security we must address.

CO_2 IS NOW A POLLUTANT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, yesterday was a historic day. It will be a day which lives in economic infamy. The EPA administrator yesterday unsheathed the dagger at the heart of our economy when she announced an endangerment finding. Yes, CO_2 is now a pollutant. That means everyone in this Chamber, anyone who out there might be hearing us, you are now polluters. With every breath you take you emit CO_2.

This was never, ever, conceived by Congress when it passed the Clean Air Act. We now have a situation in which administrators are going to effectively control the entire economy and the way in which we live and the way in which we breathe. This is not the idea of freedom. This is, in fact, not an endangerment finding about clean air. This is an endangerment finding about our freedom.

Our freedom took a vicious blow yesterday, and we, as representatives of our people, must act.

ARE WE FIGHTING OR FUNDING THE TALIBAN?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, U.S. contractors are paying U.S. tax dollars to the Taliban in order to protect the delivery of U.S. shipments of U.S. goods to U.S. soldiers so that our soldiers can fight against the Taliban.

In an investigative expose, The Nation magazine reveals ''how U.S. funds the Taliban,'' and ''with Pentagon cash, contractors bribe insurgents not to attack supply lines for U.S. troops.'' Another quote from the investigation: ''The real secret to trucking in Afghanistan is ensuring security on the perilous roads controlled by warlords, tribal militias, insurgents, and Taliban commanders.'' The American executive I spoke to was fairly specific about it: ''The Army is basically paying the Taliban not to shoot at them,'' and then the Taliban uses that money to shoot at our troops. What a racket.

Are we in Afghanistan to fight or to fund the Taliban or both?

NETWORKS IGNORE CLIMATEGATE SCANDAL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, ABC, CBS, and NBC are the winners of this week's Media Fairness Caucus' highly uncoveted ''Lap Dog Award'' for the most glaring example of media bias. The networks took 2 weeks to devote any coverage to the Climategate scandal on their evening news programs.

We now know that prominent scientists were so determined to advance the idea of human-made global warming that they worked together to hide contradictory temperature data. But for 2 weeks, none of the networks gave the scandal any coverage on their evening news programs, and when they finally did cover it, their reporting was largely slanted in favor of global warming alarmists.

The networks have shown a steady pattern of bias on climate change. During a 6-month period, four out of five network news reports failed to acknowledge any dissenting views about global warming, according to a Business and Media Institute study.

The networks should tell Americans the truth, rather than hide the facts.

FINANCIAL REGULATORY REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, last fall our economy began a tailspin into the worst economic crisis since the Great Depression. For years, greed and irresponsibility was allowed to run wild. Now, we find ourselves beginning to climb out of this hole.

This week, we will consider a comprehensive financial package that is loud and clear: No more, and I state, no more, no more will we allow financial institutions to engage in abusive behavior with other people's money. No more will we allow corporate executives to receive cash bonuses for failed investments. No more will we let consumer protection take a back seat to the bottom line of Bank of America or Citibank. The age of taxpayer funded bailouts is over.

Last fall, Americans lost faith in this country's ability to regulate corporate greed. This week, we have a chance to deliver reform Americans demand. We cannot let them down.

I urge my colleagues to support this bill.

SERVICE ACADEMY APPLICATIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, all too often we come to this floor to talk about problems in the country. Today, however, I want to mention some good news about the future of America and the next generation of patriotic men and women.

In my district this year, applications to the military service academies increased by 30 percent. Today's youth, more than ever, are looking to serve this country. And our academies are among the finest universities in the world.

While it may seem counterintuitive that a nation at war would see increased interest in military service, I think that we have remarkable young people who value the sacrifices made by previous generations. They know the value of freedom and liberty and are willing to defend these precious gifts. They're willing to serve a cause greater than themselves.

We just celebrated Thanksgiving, and I believe we need to be thankful for men and women who are eager to wear the uniform and become leaders in our military services.

WE'RE NOT DOING ENOUGH

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Madam Speaker, Congressional Quarterly recently reported that more American military personnel have taken their own lives in 2009 than have been killed in either the Afghanistan or Iraq wars this year, with 334 members of the military service committing suicide. This staggering number means one thing. We're not doing enough.

We're not doing enough to provide adequate mental health care for our returning servicemembers. The National Defense Authorization Act of 2009 was

recently signed into law with a provision that I championed that requires mental health screening for all servicemembers returning from combat. This is the single most effective thing we can do to identify cases of mental illness, reduce the stigma of mental illness, and ensure our brave men and women in uniform receive the treatment they need and deserve for mental illness. However, we don't have enough mental health professionals to carry out these screenings.

I ask my colleagues to join me in increasing mental health funding and making sure the Defense Department and VA hire the mental health professionals they need to keep our servicemembers well.

CAP-AND-TRADE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Madam Speaker, I rise to express my concerns about the rush of some of my colleagues that they seem to be in to enact cap-and-trade legislation. We are seeing serious doubts on the validity of the science which is driving this flawed policy. In fact, the EPA has formally declared greenhouse gas emissions as dangerous pollutants, an action which could prove costly to America's farms, ranches, and small businesses.

At a time of double-digit unemployment, the last thing our country needs is a jobs-killing tax regime imposed on our family-run small businesses and agriculture producers. Agriculture is an energy-intensive industry, relying on fuel for the truck, fertilizer for the crops, and generators to keep heaters on during the winter.

This national energy tax is the wrong way to go, and it's based on flawed science.

HONORING THE LIVES OF THE FOUR LAKEWOOD CITY POLICE OFFICERS KILLED ON NOVEMBER 30, 2009

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, today in Tacoma, Washington, the State of Washington will honor and memorialize the service and lives of four Lakewood City police officers who were slain while on duty on November 30 this year.

Sergeant Mark Renninger, Officer Ronald Owens, Officer Tina Griswold, and Officer Gregory Richards were killed while in the line of duty. And today, in the Tacoma Dome, thousands of Washingtonians will embrace them in their arms and in their hearts and to show respect for their loss.

But I just want to note that it is the Nation that appropriately honors and memorializes these four officers, and the reason is that they are symbols of the service of police and sheriff's officers all over this country who are out on dark roads, who are working in dark cities, who are doing the hard detective work it takes to keep us safe. And I hope we will thank the next officer we see for their service.

And I just want to tell these families how I feel. I lost my cousin, a sheriff's deputy, Mark Brown, in 1999 while in the line of duty. My prayers and heart goes out to these families, and I hope all my colleagues will join me in that regard.

□ 1015

THE FINANCIAL SECURITY OF THE UNITED STATES

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Madam Speaker, as I was getting ready to come here this morning, I was listening to the television and something was said that really caused me to not just pause but really question what some folks are doing with this country.

Moody's Investment Service has sounded an alarm. It is said that if we do not stop our spending, we will lose our AAA rating. We're in jeopardy of losing our AAA rating in the next 3 to 4 years.

This week we're going to debate an omnibus budget bill that will spend almost a half-trillion dollars—that's a half-trillion dollars more to the deficit we already have. Moody's has warned us we can't sustain the spending, and this is going to cost us our triple-A rating.

Madam Speaker, I question what some folks want to do. We need to pause before we spend the taxpayer dollars. We need to make sure that we do not ruin the financial security of our Nation.

CONGRATULATING CENTRAL ARIZONA COLLEGE'S CROSS-COUNTRY TEAM

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Madam Speaker, I rise to honor the accomplishments of Central Arizona College's women's cross-country team.

On November 14, the Vaqueras earned their second National Junior College Athletic Association Championship in 5 years. The squad had four runners in the top 12 at the Championship meet, with last year's national title winner, Rose Tanui, placing second. The team has shown an unwavering commitment to excellence. They have been practicing six mornings a week starting at 5:59 a.m. since the start of the school year, and now all their hard work and lost sleep has paid off. Winning the title was a perfect sendoff for Coach Mike Gray, the NJCAA coach of the year who is retiring after leading the Vaqueras for over a decade.

I would like to congratulate Coach Gray and the entire team on this amazing end to their tremendous season.

''LET WALL STREET PAY FOR THE RESTORATION OF MAIN STREET'' ACT

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Madam Speaker, out-of-control financial speculation on Wall Street contributed to the deep economic hole we're in today. Taxpayers have paid the price, risking around $3 trillion to stabilize the financial system. Astonishingly, the top three bailed-out firms are reportedly on track to pay $30 billion in bonuses to top executives this year. In the meantime, furloughs, unemployment, and foreclosure are weighing on American families. Limited access to lending is still a problem for many small businesses.

It's time for us to institute a modest transaction tax on trades of stocks, options, and swaps. Even a small tax of a quarter percent on these securities could raise up to $150 billion a year. Part of this revenue should be used to invest in our Nation's infrastructure, creating jobs and putting Americans back to work again.

I ask my colleagues to support the ''Let Wall Street Pay for the Restoration of Main Street Act.'' Wall Street needs to be part of the solution, not an ongoing part of the problem.

USING BAILOUT FUNDS AS A SLUSH FUND VIOLATES THE LAW

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Last year I opposed the Wall Street bailout because I thought it was just wrong to take $700 billion in bad decisions on Wall Street and transfer that debt burden to Main Street and future generations of Americans.

But while I believe the action taken by Congress a year ago was wrong, the TARP legislation actually rightly demanded that any money not used to purchase toxic assets in the bill be used to pay down the national debt. The legislation specifically says that any leftover TARP money goes to deficit reduction.

That's why I have to tell you, Madam Speaker, I was astonished when I heard Speaker NANCY PELOSI last week suggest that her source to pay for a new so-called stimulus bill would be leftover TARP funding. And if press reports are true, the President of the United States will address the Brookings Institution this morning and suggest the same.

Let me be clear on this point. To use money from the TARP fund in the

manner that is being discussed by the White House and congressional Democrats would be a violation of the law, and it would betray the trust of the American people.

It seems the Democrats' policy on spending is, If we got it, spend it—no matter where it comes from.

WALL STREET REFORM AND CONSUMER PROTECTIONS ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise today in strong support of the Wall Street Reform and Consumer Protection Act. This historic legislation will strengthen our financial regulatory system and better protect consumers from abuse by the lending and credit industries. Most importantly, this historic legislation ends ''too big to fail'' and government bailouts.

Never again will taxpayer dollars be used to bail out Wall Street and their overpaid executives. Large financial institutions like AIG or Lehman Brothers at risk of collapse will be dissolved in an orderly and controlled process, and this process will be paid for by the shareholders, by creditors, and the assets of failed companies—not by the taxpayers.

For years, Wall Street has reaped the spoils of success with no penalties for failure. This bill will end this injustice and force Wall Street to accept responsibility for its failings.

I urge my colleagues to support this bill.

MOTION TO INSTRUCT CONFEREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OLVER. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. LATHAM. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Latham moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3288 be instructed as follows:

(1) To disagree to any proposition in violation of clause 9 of Rule XXII which:

(a) Includes matter not committed to the conference committee by either House;

(b) Modifies specific matter committed to conference by either or both Houses beyond the scope of the specific matter as committed to the conference committee.

(2) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Iowa (Mr. LATHAM) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. I yield myself such time as I may consume.

Madam Speaker, this is a very basic motion to instruct on what could be a very complicated bill. This motion simply instructs the conferees to restrain from adding any extraneous materials—like other appropriation bills and any other issues outside the provisions included in either the House- or Senate-passed Transportation HUD bill, or THUD bill. This motion also provides any conference report will be available for no less than 72 hours before the conference report will be brought up for final passage in the House.

Madam Speaker, the THUD bill, like every appropriations bill this year, was slammed through the House in July under an unprecedented closed and restrictive rule, all in the name of completing these bills in ''regular order.''

The Senate, even with all of its scheduling issues, managed to pass a regular THUD bill in an open process with amendments—and I might add by September 17.

This THUD bill should have been considered and passed by early October at the latest. Instead, here we are now in December.

According to the plan as presented to me, Chairman OBEY is planning on lumping five other bills with the THUD bill to create an omnibus. Three of those bills—Financial Services, Foreign Operations, and the Labor H bills—weren't even considered on the Senate floor. Two of the other bills—the Military Construction-VA and the Commerce, Justice, Science bills—have passed both the House and the Senate, and there is no reason these bills shouldn't have their own free-standing conferences. In fact, the Commerce, Justice, Science bill was supposed to go to conference on November 17, but that conference got yanked due to some cold feet on the part of the majority at the prospect of having their Members have to vote on Guantanamo Bay policy.

By voting for this motion to instruct, you are voting for regular order process on these bills. We should be able to vote on veterans issues separate from the D.C. issues, the foreign aid issues, and all of the other issues we don't want stacked together. There are other things like railroad issues, immigration issues. They should all be done separately.

Further, this motion to instruct provides that the House will make available the full text of the conference report to the conferees at least 72 hours prior to consideration. There are billions of dollars at stake and a lot of policy to digest. It's our responsibility that we, as elected Representatives representing our districts, know what we're voting on. Further, I believe this motion is not inconsistent with Speaker PELOSI's policy.

I urge a ''yes'' vote on the simple motion to instruct.

I reserve the balance of my time.

Mr. OLVER. Madam Speaker, the motion that we have before us is essentially the same motion that we had earlier back in September, September 23, when the Legislative branch appropriations bill was brought to the floor and we were considering doing a continuing resolution for a period of time, which ended up leading to a second continuing resolution at the point that the first one had run out.

The only difference from that motion is that this one now calls for 72 hours rather than 48 hours, thereby making the time constraint a more difficult one given the circumstances that we are in and given the time at which we are supposed to have another continuing resolution run out.

□ 1030

So that's a very small point, because at 48 hours, it would be easier to deal with. Madam Speaker, in a perfect world, we would have 72 hours to further review this bill. However, we cannot guarantee that for the reason that the current CR expires on the 18th and the bills that have been mentioned by the gentleman from Iowa fund critical programs.

The Departments that are funded in these bills cannot wait much longer for the funds, and we want to get the bills enacted for the entire year. It's already December 8. And we need to get these bills done. Plus, we all know that we need to have plenty of time for our colleagues on the Senate side to act.

Now, Madam Speaker, I would just like to point out that in recent years, in 2005—and all of these, of course, were while the present minority was in the majority, and so they were in control of the procedures that were being followed—in 2005, the omnibus at that time included Agriculture, Commerce, Energy-Water, Foreign Operations, Interior, Labor-HHS-Education, the Leg Branch, Transportation, Treasury, VA-HUD and Foreign Operations and that year happened to be the vehicle being used to bring that process to a conclusion.

So the number of bills that were involved in that process were nine plus

the vehicle, 10 of the 12 bills. In that instance, the Agriculture bill had never been considered in the Senate; the Commerce, Justice and State bills had never been considered in the Senate. In fact, that was before—that was Justice and Judiciary at that point, it was a more complicated bill. Energy-Water never were considered in the Senate, Interior had never been considered in the Senate, Labor-HHS had never been considered in the Senate, Leg Branch had never appointed conferees, Transportation and Treasury had never been considered in the Senate, and the VA-HUD bill was never considered in either body.

Yet all of those bills were in that continuing resolution. And so this has been done in the past. That was the omnibus bill that finished up our work for the fiscal year 2005 budget.

Going back a year, we considered an appropriations bill to finish up the fiscal year 2004 sequence that included Agriculture, Commerce, State, Justice, District of Columbia, Foreign Operations, Labor-Health-Education, Transportation, Treasury and VA-HUD; and Agriculture was the vehicle. And CJS was never considered in the Senate. D.C. had not appointed conferees. The Foreign Operations bill had appointed conferees, but never reported a conference report. A report had never been agreed to. Labor-HHS, the conferees had been appointed, but then the conference, the conferees discharged from their appointment and brought it back to the full committee. And so VA-HUD never had appointed conferees. And so it goes.

The conferees in these instances included a series of Members from the majority side, from the variety of the committees in each case. At that time, Mr. YOUNG of Florida was the chairman of the Appropriations Committee. And I could go on here. In 2003, the consolidated appropriations resolution that completed the 2003 budgetary events included Agriculture, Commerce, District of Columbia, those were still part of it, except it was still a separate subcommittee, Energy-Water Development, Foreign Operations, Interior, Labor-HHS, Legislative Branch, Transportation, Treasury and Postal Service were now getting back at least two different reorganizations of the jurisdictions of the Appropriations Committee, all during the period that the present minority making the motion was in control and moved very quickly on the actions.

In that year, 2003, every one of the bills that I have mentioned had never been considered in one or the other branch. Several of them had not been considered in the House, and several of them had not been considered in the Senate. Well, I'm wrong actually. In the House, Leg Branch had never appointed conferees, but it had been considered and the bill had been passed. But in the others, the others had never been considered in either House, in one of the two branches at least.

So it is a time-honored process. When one gets here, we have known we've had now for 3 months since the end of the fiscal year, almost 3 months since the end of the fiscal year, and all of these bills have been put forward in conference in continuing resolutions, and the final continuing resolution ends on the 18 of December, 10 days away. The bill that we have before us is the Transportation, Treasury bill.

My ranking member, Mr. LATHAM, I want to express my strong appreciation for all the work that he has done on the legislation thus far that is the carrying legislation here. And he has mentioned that there are several bills that are being added, and I'm not going to exactly repeat those because they are already now a part of the RECORD, and they do not complete our—there is one left. There is a Defense bill that is left.

So we are in a time constraint. We need to move. We have a situation that we understand quite well if I were to go through and list the dates on which the Senate acted finally on several of these bills, they have been passed in the Senate in the case of Commerce at least and Veterans Affairs and Military Construction, but they weren't passed in the Senate until well after the end of the fiscal year 2009. All of our bills have been passed through the House by the end of fiscal year 2009. So we were ready to move forward with individual bills at a much earlier stage.

As I have already stated, we cannot guarantee 72 hours. It would be nice in a perfect world to be able to do that. But we must get this legislation done, or we are putting enormous pressures on the executive Departments of this government and on our own procedures as we move forward toward the appropriations process for fiscal year 2011, which comes quickly on the tail of getting finished with the needs that we have for finishing fiscal year 2010.

I reserve the balance of my time.

Mr. LATHAM. Madam Speaker, while I appreciate the chairman reciting history, also you should look at fiscal year 2006 when every bill was passed individually, signed into law in regular order with an open, free process. And so I think that is a model that we should all be looking for, and hopefully that would be the case. And there's no reason to put all of these bills together. And certainly there's no reason that we shouldn't have enough time to look at—it's about a half a trillion dollars of spending—to have 72 hours to finally look at the bill.

Again, Madam Speaker, there really is no controversy here. This is a simple motion to instruct, directing the committee to, number one, keep the THUD bill clean and within its scope of the conference, and, number two, to allow the conference agreement to be available to conferees 72 hours in advance of final passage.

I ask for a ''yes'' vote.

I reserve the balance of my time.

Mr. OLVER. Madam Speaker, I would just like to reiterate that the bill that we are considering bringing to conference this morning is the Transportation, Housing and Urban Development, and related agencies bill.

I want to thank, again, my ranking member. This is his first year that Mr. LATHAM has been the ranking member, and I have enjoyed greatly the communications that we have had, sporadic as they have been. We work kind of in fits and starts because there has been a lot of waiting in the process to get to where we are today.

But I want to thank him in particular for the cooperation and the work that he and his staff have done. And I would name the minority clerk, Dena Baron, and on the minority side David Gibbons and Allison Peters and Janine Scianna. And on our side, I want to give the strongest praise to our staff and to our clerk and that staff with Kate Hallahan, who has given me a list that doesn't even have her name on it. She is so modest here. David Napoliello, Kate Hallahan, Laura Hogshead, Alex Gillen, Sylvia Garcia who is, in this lengthened process, a replacement in the middle of the process of bringing out this legislation for a previous staff member who has now gone on to greener pastures.

And with that, I yield back the balance of my time.

Mr. LATHAM. I want to express my appreciation to the chairman for his patience. This has been a difficult process. As he mentioned, we start and stop, start and stop and back and forth; but it has been a real pleasure for me in my first year on this subcommittee to work with the chairman. And while we don't always agree on everything, we always have a very, very open dialogue. And I appreciate that very much.

Again, Madam Speaker, this really is very simple. With all the money that we are spending in this bill that we are pulling together a bunch of extraneous bills that have nothing to do with Transportation and HUD, the idea that we should just limit the conference to this bill, there are other avenues for doing the other bills. And certainly when you are spending this much money, there is no doubt that people should have a chance, at least 72 hours, to look at this bill in advance of passage.

I would ask for a ''yes'' vote.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate having expired, without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LATHAM. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1045

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

REQUESTING REPORT ON ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST

Mr. COSTA. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2278) to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST.

(a) FINDINGS.—Congress finds the following:

(1) Freedom of the press and freedom of expression are the foundations of free and prosperous societies worldwide, and with the freedom of the press and freedom of expression comes the responsibility to repudiate purveyors of incitement to violence.

(2) For years, certain media outlets in the Middle East, particularly those associated with terrorist groups, have repeatedly published or broadcast incitements to violence against the United States and Americans.

(3) Television channels that broadcast incitement to violence against Americans, the United States, and others have demonstrated the ability to shift their operations to different countries and their transmissions to different satellite providers in order to continue broadcasting and to evade accountability.

(4) Television channels such as al-Manar, al-Aqsa, al-Zawra, and others that broadcast incitement to violence against the United States and Americans aid Foreign Terrorist Organizations in the key functions of recruitment, fundraising, and propaganda.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States to—

(1) designate as Specially Designated Global Terrorists satellite providers that knowingly and willingly contract with entities designated as Specially Designated Global Terrorists under Executive Order 13224, to broadcast their channels, or to consider implementing other punitive measures against satellite providers that transmit al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other terrorist owned and operated station;

(2) consider state-sponsorship of anti-American incitement to violence when determining the level of assistance to, and frequency and nature of relations with, all states; and

(3) urge all governments and private investors who own shares in satellite companies or otherwise influence decisions about satellite transmissions to oppose transmissions of telecasts by al-Aqsa TV, al-Manar TV, al-Rafidayn TV, or any other Specially Designated Global Terrorist owned and operated stations that openly incite their audiences to commit acts of terrorism or violence against the United States and its citizens.

(c) REPORT.—

(1) REQUIREMENT FOR REPORTS.—Beginning 6 months after the date of the enactment of this Act and annually thereafter, the President shall transmit to the appropriate congressional committees a report on anti-American incitement to violence in the Middle East.

(2) CONTENT.—The reports required under paragraph (1) shall include—

(A) a country-by-country list and description of media outlets that engage in anti-American incitement to violence; and

(B) a list of satellite companies that carry mediums described in subparagraph (A) or designated under Executive Order 13224.

(d) DEFINITIONS.—In this section:

(1) ANTI-AMERICAN INCITEMENT TO VIOLENCE.—The term ''anti-American incitement to violence'' means the act of persuading, encouraging, instigating, advocating, pressuring, or threatening so as to cause another to commit a violent act against any person, agent, instrumentality, or official of, is affiliated with, or is serving as a representative of the United States.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(3) MIDDLE EAST.—The term ''Middle East'' means Algeria, Bahrain, Egypt, Iran, Iraq, Israel, the West Bank and Gaza Strip, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, the United Arab Emirates, and Yemen.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. COSTA) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. COSTA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COSTA. I yield myself as much time as I may consume as I rise in strong support of this resolution.

Madam Speaker, I want to commend my friend from Florida (Mr. BILIRAKIS) for introducing this piece of legislation as well as my friend and colleague from New York, JOE CROWLEY, for his leadership on this issue.

This is an important matter. The Obama administration has brought a new, more positive tone to American foreign policy in the Middle East. Yet, despite the President's desire to seek a new beginning between the United States and Muslims around the world, there still lies fanatical anti-American and anti-Semitic efforts which continue to incite people around the world through broadcasts in the Middle East by television stations for those Muslim viewers.

Without a doubt, freedom of the press and freedom of expression are the foundations of free and prosperous societies throughout the world. Yet with this important freedom comes the great responsibility to reject and repudiate that incitement to violence. This resolution attempts to remind us of that fact.

For years, certain media outlets in the Middle East, particularly those associated with terrorist groups, have repeatedly published or have broadcast incitement to violence against the United States and our allies. Television stations, such as Hezbollah's al-Manar, Hamas' al-Aqsa, the Iraq-based Al-Zawra, and others that broadcast incitement to violence against the United States aid foreign terrorist organizations in their key functions to recruit, to fund-raise, and to incite further propaganda. This must not continue. Some of these stations are broadcast throughout the region by two prominent Arab world satellites—Egypt's Nilesat and the Arab League's Arabsat—in which both Saudi Arabia and Kuwait are the leading shareholders. Saudi Arabia and Kuwait have relations with our country.

This is unfortunate. This propaganda threatens long-term U.S. interests in the region, and it does a great deal of damage to the prospect of improving bilateral relations between America and our allies in the Arab world. In addition, it undermines the prospects for Arab-Israeli peace. Make no doubt about that.

Americans have witnessed the direct connection between the charged rhetoric of the jihadist narrative, as Tom Friedman called it in his recent column that many of us have read, and it incites actual violence. This incitement creates an environment conducive to and accepting of terrorism, terrorism that impacts all of us throughout the world. As the U.S. and other nations join in fighting this terrorism, there must be renewed vigilance against the purveyors of anti-American hatred abroad and of the consequences for inaction, inattention, or state sponsorship of this hatred.

This legislation requires the State Department to submit to Congress an annual report that details, country by country, Middle Eastern media outlets that engage in anti-American incitement to violence and of the satellite companies that transmit them. They are the enablers.

It also establishes as U.S. policy that satellite providers which knowingly and willingly contract with terrorist entities can be legally designated as ''specially designated global terrorists,'' under Executive Order 13224, for perpetrating this incitement. In addition, it calls upon our government to consider the state sponsorship of anti-American incitement to violence when determining the level of assistance to and the frequency and nature of relations with Middle Eastern states. We ought to reflect and make an analysis

of this effort. This legislation attempts to do so.

Finally, H.R. 2278 urges all governments and private investors who are involved with satellite transmissions to oppose the broadcasting of telecasts by any specially designated global terrorist-owned-and-operated stations which openly incite their audiences to commit acts of terrorism or acts of violence against the United States and its citizens or against citizens throughout the world.

I know that the terrorist likes of Hamas and Hezbollah will not soon abandon their mass media attempts of promoting hatred and violence, but there are efforts that we can and should pursue. It is longtime past for all state-owned and privately owned satellite companies, wherever they are located, to cease transmitting these ugly messages which encourage the murder of Americans and our allies. That is why, Madam Speaker, I strongly support this legislation, and I urge all of my colleagues to join me in that support.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Madam Speaker, I also rise in strong support of this legislation authored by my good friend and colleague from Florida, Congressman GUS BILIRAKIS, and I am a proud cosponsor of this important bill.

I thank Mr. BILIRAKIS for his vision, and I also wish to extend my gratitude to our colleague from New York, Congressman JOE CROWLEY. They have been leaders on this important issue.

The bill before us, Madam Speaker, is a successor to a resolution that was passed last Congress condemning the broadcasting of incitement to violence against Americans and the United States in media based in the Middle East and calling for the designation of al-Aqsa TV as a specially designated global terrorist entity.

As we commemorate the 68th anniversary of the United States' entry into World War II, we know well the power that words have for either good or evil. Before there were factories to drive the Nazi war machine, there were hateful and violent words. Before there were bricks to build concentration camps, there were ugly, dehumanizing words. As we have witnessed, such charged rhetoric invites violent action, and such incitement creates an environment accepting of and conducive to violent Islamic extremism.

As we too sadly learned on September 11, 2001, purveyors of anti-American incitement to violence traffic not only in words but in deeds. Accordingly, this important and critical legislation before us this morning requires that the President submit a report to Congress on the activities of media outlets which engage in anti-American incitement to violence and on the satellite providers that carry out these messages of hate.

Furthermore, Mr. BILIRAKIS' legislation seeks to document the threat posed by the broadcasts of incitement to violence against Americans and the United States on television channels and other media which are accessible in the United States. It will highlight how the threat may increase the risk of radicalization and recruitment of Americans into extremist organizations which seek to carry out attacks against American targets and on American soil.

We cannot allow satellite providers which traffic in and profit from anti-American incitement to violence to remain in the shadows. We must join with the majority of those throughout the Middle East and right here at home who value pluralism, who value tolerance, and, in both word and deed, who reject the purveyors of anti-American incitement to violence and their enablers.

Madam Speaker, I strongly urge my colleagues to support this critical legislation. I thank the author of this important bill, my colleague from Florida (Mr. BILIRAKIS), for its introduction. As well, I thank our friend from New York (Mr. CROWLEY).

With that, Madam Speaker, I yield such time as he may consume to my friend from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I rise today in support of H.R. 2278.

I want to thank the gentleman from California, of course my good friend from Florida, and also the gentleman from New York (Mr. CROWLEY).

My legislation will direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East. This nefarious activity is escalating in quality and quantity and is fueled by the rapid growth of satellite television throughout the Arab world.

In 2008, al-Manar TV, which is run by Hezbollah, broadcast over two dozen video clips of insurgents' bombings against U.S. and coalition forces in Iraq. Further, Iranian state-controlled TV channels, such as al-Rafidayn, repeatedly broadcast calls for ''death to America.'' Al-Aqsa TV, an arm of Hamas, broadcast a puppet show depicting an Arab child stabbing the President of the United States.

Instead of denouncing such incitement, many countries in the region provide financial, material, and technological support to the purveyors of incitement. Al-Manar and al-Aqsa, among others, are transmitted on the satellite providers Nilesat, which is controlled by the Egyptian Government, and Arabsat, which is controlled by the Arab League. Given the dangers such incitement poses to American soldiers and civilians in the region and at home, it is long past time for the U.S. and other responsible nations to stop this growing threat. The passage of H.R. 2278 is therefore critical.

This legislation seeks to designate, under Executive Order 13224, specially designated global terrorist satellite providers which knowingly engage in contracts with entities already designated as specially designated global terrorists.

This bill would also make it the policy of the U.S. to urge all governments and private investors who own shares in satellite companies to oppose transmissions of telecasts by any station that openly incites its audience to commit acts of terrorism or violence against the United States and its citizens.

This bill requires the President to transmit a report to Congress that must include a country-by-country list and description of media outlets that engage in anti-American incitement to violence in the Middle East and a list of satellite companies which carry such media.

Most importantly, it must be the policy of the United States, in crafting its foreign policy, to consider the state sponsorship of anti-American incitement to violence when determining the level of assistance to and frequency in nature of relations with regional states.

Finally, Madam Speaker, the broadcast of incitement to violence against Americans in our country on television channels and on other media that are accessible in the U.S. may increase the risk of the radicalization and recruitment of individuals into foreign terrorist organizations that seek to carry out acts of violence against American targets on American soil. This is a concerning trend that must be halted.

Madam Speaker, I urge the passage of this very important measure, which I hope will improve our national security and the safety of our soldiers and citizens overseas.

Again, I thank the gentleman from California and the gentlewoman from Florida. I appreciate it very much.

Ms. ROS-LEHTINEN. Madam Speaker, I reserve the balance of my time.

Mr. COSTA. Madam Speaker, I ask unanimous consent to turn the management of this measure and of the other remaining items to my friend, the gentleman from New York (Mr. ENGEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. With that, Madam Speaker, I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and pass the bill, H.R. 2278, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1100

WESTERN HEMISPHERE DRUG POLICY COMMISSION ACT OF 2009

Mr. ENGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2134) to establish the Western Hemisphere Drug Policy Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Western Hemisphere Drug Policy Commission Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) According to the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Survey on Drug Use and Health, in 2008 in the United States, there were an estimated 25,768,000 users of marijuana, 5,255,000 users of cocaine, 850,000 users of methamphetamine, and 453,000 users of heroin.

(2) Nearly 100 percent of the United States cocaine supply originates in the Andean countries of Bolivia, Colombia, and Peru and over 90 percent of the United States heroin supply originates in Colombia and Mexico.

(3) In those countries, the cultivation, production and trafficking of cocaine and heroin generate violence, instability and corruption.

(4) In the transit countries of Central America, Mexico, Venezuela, Ecuador, Haiti, and other Caribbean countries, drug trafficking is central to the growing strength of organized criminals to threaten local and national law enforcement, political institutions, citizen security, rule of law, and United States security and interests.

(5) Drug-related violence is on the rise in Mexico and along the United States-Mexico border. 5,661 people died in Mexico in 2008 alone as a result of drug-related violence. This is more than double the 2007 total of 2,773.

(6) According to the Department of State's June 2009 Trafficking in Persons report, organized criminal networks in Mexico also ''traffic Mexican women and girls into the United States for commercial sexual exploitation''.

(7) Extremist groups and their supporters in the Western Hemisphere, including the Revolutionary Armed Forces of Colombia (FARC) and Hezbollah, often use drug trafficking to finance terrorist activities.

(8) From 1980-2008, United States counternarcotics assistance from the State and Defense Departments to Latin America and the Caribbean totaled about $11,300,000,000.

SEC. 3. ESTABLISHMENT OF WESTERN HEMISPHERE DRUG POLICY COMMISSION.

There is established an independent commission to be known as the ''Western Hemisphere Drug Policy Commission'' (in this Act referred to as the ''Commission'').

SEC. 4. PURPOSE.

The Commission shall review and evaluate United States policy regarding illicit drug supply reduction and interdiction, with particular emphasis on international drug policies and programs directed toward the countries of the Western Hemisphere, along with foreign and domestic demand reduction policies and programs. The Commission shall identify policy and program options to improve existing international and domestic counternarcotics policy.

SEC. 5. DUTIES OF THE COMMISSION.

(a) REVIEW OF ILLICIT DRUG SUPPLY REDUCTION AND DEMAND REDUCTION POLICIES.—The Commission shall conduct a comprehensive review of United States policy regarding illicit drug supply reduction, interdiction, and demand reduction policies and shall, at a minimum, address the following topics:

(1) An assessment of United States international illicit drug control policies in the Western Hemisphere.

(2) An assessment of drug interdiction efforts, crop eradication programs, and the promotion of economic development alternatives to illicit drugs.

(3) The impact of the Andean Counterdrug Initiative (ACI), the Merida Initiative, the Caribbean Basin Security Initiative, and other programs in curbing drug production, drug trafficking, and drug-related violence in the Western Hemisphere.

(4) An assessment of how to better deploy and employ available technology to target major drug cartels.

(5) An assessment of efforts to curb the trafficking of chemical precursors for illicit drugs.

(6) An assessment of how the United States drug certification process serves United States interests with respect to United States international illicit drug control policies.

(7) An assessment of the nature and extent of the United States population's demand for illicit drugs.

(8) An assessment of United States drug prevention and treatment programs, including anti-drug coalitions, drug courts, and programs aimed at preventing recidivism.

(9) An assessment of the extent to which the consumption of illicit drugs in the United States is driven by individuals addicted to or abusive of illicit drugs, and the most effective experiences in the United States and throughout the world in treating those individuals and reducing the damage to themselves and to society.

(10) Recommendations on how best to improve United States policies aimed at reducing the supply of and demand for illicit drugs.

(11) Assessing the value of supporting relevant government entities and nongovernmental institutions in other countries of the Western Hemisphere in promoting the reduction of supply of and demand for illicit drugs.

(12) An assessment of whether the proper indicators of success are being used in United States illicit drug control policy.

(b) COORDINATION WITH GOVERNMENTS, INTERNATIONAL ORGANIZATIONS, AND NONGOVERNMENTAL ORGANIZATIONS (NGOS) IN THE WESTERN HEMISPHERE.—In conducting the review required under subsection (a), the Commission shall consult with——

(1) government, academic, and nongovernmental leaders, as well as leaders from international organizations, from throughout the United States, Latin America, and the Caribbean; and

(2) the Inter-American Drug Abuse Control Commission (CICAD) to examine what changes would increase its effectiveness.

(c) REPORT.—

(1) IN GENERAL.—Not later than 12 months after the first meeting of the Commission, the Commission shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate, the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Attorney General, and the Director of the Office of National Drug Control Policy (ONDCP) a report that contains a detailed statement of the recommendations, findings, and conclusions of the Commission, including summaries of the input and recommendations of the leaders and organizations with which is consulted under subsection (b).

(2) PUBLIC AVAILABILITY.—The report required under this subsection shall be made available to the public.

SEC. 6. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of ten members, to be appointed as follows:

(1) The majority leader and minority leader of the Senate shall each appoint two members.

(2) The Speaker and the minority leader of the House of Representatives shall each appoint two members.

(3) The President shall appoint two members.

(b) APPOINTMENTS.—The Commission may not include Members of Congress or other currently elected Federal, State, or local government officials.

(c) PERIOD OF APPOINTMENT.—Each member shall be appointed for the life of the Commission. Any vacancies shall not affect the power and duties of the Commission, but shall be filled in the same manner as the original appointment.

(d) DATE.—Members of the Commission shall be appointed not later than 30 days after the date of the enactment of this Act.

(e) INITIAL MEETING AND SELECTION OF CHAIRPERSON.—Not later than 60 days after the date of the enactment of this Act, the Commission shall hold an initial meeting to develop and implement a schedule for completion of the review and report required under section 5. At the initial meeting, the Commission shall select a Chairperson from among its members.

(f) QUORUM.—Six members of the Commission shall constitute a quorum.

(g) TRAVEL EXPENSES.—Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

SEC. 7. POWERS.

(a) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(b) HEARINGS.—The Commission may hold such hearings and undertake such other activities as the Commission determines necessary to carry out its duties.

(c) OTHER RESOURCES.—The Commission shall have reasonable access to documents, statistical data, and other such information the Commission determines necessary to carry out its duties from the Library of Congress, the Office of National Drug Control Policy, the Department of State, the Department of Health and Human Services, the Department of Justice, the Drug Enforcement Administration, the Department of Defense (including the United States Southern Command), and other agencies of the executive

and legislative branches of the Federal Government. The Chairperson of the Commission shall make requests for such access in writing when necessary. The General Services Administration (GSA) shall make office space available for day-to-day Commission activities and for scheduled Commission meetings. Upon request, the Administrator of General Services shall provide, on a reimbursable basis, such administrative support as the Commission requests to fulfill its duties.

(d) AUTHORITY TO USE THE UNITED STATES MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) AUTHORITY TO CONTRACT.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

SEC. 8. STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director and such staff as is needed shall be paid at a rate not more than the rate of pay for level IV of the Executive Schedule.

(b) STAFF APPOINTMENT.—With the approval of the Commission, the Executive Director may appoint such personnel as the Executive Director determines to be appropriate. The Commission may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the personnel.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $2,000,000 to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, without fiscal year limitation, until expended.

SEC. 10. SUNSET.

The Western Hemisphere Drug Policy Commission shall terminate 60 days after the submission to Congress of its report under section 5(c).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of H.R. 2134, a bill that I authored to establish a Western Hemisphere Drug Policy Commission.

I thank Foreign Affairs Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN for their support of this bill.

I am particularly grateful to CONNIE MACK, the ranking member of the Western Hemisphere Subcommittee, which I chair, for being my lead Republican cosponsor of this bill.

Madam Speaker, billions of U.S. taxpayer dollars have been spent over the years to fight the drug trade in Latin America and the Caribbean. In spite of our efforts, drug use in the United States has increased.

According to the Brookings Institution, since the peak of the heroin and cocaine epidemics of the mid-1980s, consumption rates for these narcotics have remained more or less stable. At the same time, amphetamine use has spread.

As Members of Congress, we owe it to our constituents to do a better job combating the drug trade and taking illegal drugs off of our cities' streets. I believe that we are long past due in reexamining our counternarcotics efforts here at home and throughout the Americas.

H.R. 2134 will create an independent commission to evaluate U.S. drug policies and programs aimed at reducing illicit drug supply in the Americas and the demand for these drugs here at home. This commission will assess all aspects of the illegal drug trade, including prevention and treatment programs in the United States.

The Western Hemisphere Drug Policy Commission will be required to submit recommendations on future U.S. drug policy to Congress and various Cabinet secretaries, including the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Attorney General.

To tackle our Nation's horrific drug problem once and for all, we must have a better sense of what works and what does not work. The citizens of our great country, who deal every day with illegal drugs on their streets, and our partners in the Americas, who have worked with us in fighting the drug trade for years, deserve no less.

Madam Speaker, I have long thought that, as we try to combat the growing of crops that produce drugs, we also need to combat the consumption side here at home, and this report will help us to understand what we can do more effectively. I urge my colleagues to support this crucial legislation.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, November 5, 2009.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR HOWARD. This is to advise you that, as a result of your having consulted with us on provisions in H.R. 2134, the Western Hemisphere Drug Policy Commission Act of 2009, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill, in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by forgoing further consideration of H.R. 2134 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill moves forward, so that we may address any remaining issues on matters in our jurisdiction. We also reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in your committee report, or in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to our requests, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 20, 2009.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2134, the "Western Hemisphere Drug Policy Commission Act of 2009."

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that your Committee will not formally consider the bill and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill which fall within the Committee's Rule X jurisdiction.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is included in the Congressional Record, and I look forward to working with you on this important legislation.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 28, 2009.

Hon. HOWARD BERMAN,
Chairman, House Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing to confirm our understanding regarding H.R. 2134, the ''Western Hemisphere Drug Policy Commission Act of 2009.'' As you know, this bill was referred to the Committee on Energy and Commerce, which has jurisdictional interest in provisions of the bill.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by conducting further proceedings on H.R. 2134. I do this, however, only with the understanding that foregoing further consideration of H.R. 2134 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, November 2, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy & Commerce, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2134, the ''Western Hemisphere Drug Policy Commission Act of 2009.''

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce. I acknowledge that your Committee will not formally consider the bill and agree that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill which fall within the Committee's Rule X jurisdiction.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill, consistent with the Speaker's practice in this regard.

I will ensure that our exchange of letters is included in the Congressional Record, and I look forward to working with you on this important legislation.

Sincerely,

HOWARD L. BERMAN,
Chairman.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the United States has been involved in multilateral international drug control efforts for nearly a century.

Over the years, our agencies have used a wide array of tools to counter the drug trade in our hemisphere, ranging from multilateral cooperation and foreign assistance restrictions, to crop eradication, alternative development, interdiction, and institutional capacity building. Here within our own hemisphere the U.S. remains a major supporter and participant of the Inter-American Drug Abuse Control Commission.

Regionally and bilaterally the U.S. has also worked closely with responsible partners on counternarcotics efforts through important programs such as the Merida Initiative, the Andean Counterdrug Initiative, Plan Colombia, and the upcoming Caribbean Basin Security Initiative. Through these programs and others, at least eight U.S. agencies are involved in implementing U.S. international counternarcotics activities.

The Western Hemisphere Drug Policy Commission, created by this bill, H.R. 2134, will be responsible for assessing the promotion of economic development alternatives to illicit drugs, how to better employ technology to target major drug cartels, U.S. drug prevention and treatment programs, and the value of working with other governments and NGOs to promote the reduction of supply and demand for illicit drugs.

After this 1-year review, the commission will complete its mandate by providing a report to Congress that provides an assessment of overall U.S. international illicit drug control policies in our Western Hemisphere and recommendations on how to best improve these policies. It is critical that the appropriate measures be taken to ensure that U.S. drug policy, both here at home and abroad, is responsible and is effective.

Already we have seen tremendous results from some of our efforts. For example, in the last 2 years, the price of cocaine in the United States has increased nearly 80 percent while its purity has decreased nearly 30 percent. Drugs not only poison our children and our communities, but drugs fund and sustain many of the violent criminal groups and extremist organizations lurking in our hemisphere.

Within the last year or so, two major drug rings with ties to Hezbollah have been caught operating in our Western Hemisphere. The comfort with which these criminals traipse around the region is alarming.

However, with leaders like Hugo Chavez and Daniel Ortega bending over backwards to let rogue states like Iran expand its presence in the region, it really is no surprise that extremist groups like Hezbollah would also make their homes here.

We cannot allow the Western Hemisphere to become a staging ground for extremists. From money laundering to drug smuggling to arms trafficking, extremist groups like the FARC and Hezbollah, the regimes who support them, and their enablers are putting the people of the Americas in direct danger.

The United States must continue to work with our democratic allies to stamp out these threats. I am hopeful that this commission will help us to do just that.

Madam Speaker, I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, let me just say that I have listened to everything that my good friend and colleague from Florida, Congresswoman ROS-LEHTINEN, said and I concur with every word that she said.

This is a very important bill. It's a very important subject, and I urge my colleagues to support the bill.

Mrs. BONO MACK. Madam Speaker, I rise in support of H.R. 2134, the Western Hemisphere Drug Policy Commission Act of 2009.

Tackling substance abuse among all age groups will take a domestic and international effort that continually evolves to meet the challenge. The U.S. Government's approach to reducing the supply of and demand for drugs in the Western Hemisphere is a crucial place to start. This is the primary reason I strongly support this legislation. The challenge is one that not only affects so many families across our country, but also everything from our law enforcement efforts to scientific research, and diplomatic priorities.

The need to act on all fronts—prevention, treatment, research, and law enforcement—is crucial. There's no silver bullet.

In particular, I have serious concerns with the trends we are seeing among our youth toward prescription drug abuse. Drugs like OxyContin are being abused across our country, with 2,500 kids a day using a prescription drug to get high for the first time. Just because it's sitting in the medicine cabinet doesn't mean it is safe, and these drugs are often used as a gateway to street drugs.

The Commission created in the legislation is necessary, as it will allow us to better find the solutions to reducing the numbers of those using these dangerous substances, which are staggering within our own borders. According to the National Survey on Drug Use and Health, in 2008, over 20 million Americans aged 12 or older were current illicit drug users.

I hope to continue to work with the Foreign Affairs Committee as well as the Energy and Commerce Committee to create a foundation for a domestic and international drug policy that balances maintaining our vital law enforcement efforts with an augmented demand-side effort toward reducing substance abuse and addiction.

Finally, I appreciated the time I was able to take with the Chairman and Ranking Member along with other dignitaries to raise this issue at the Summit of the Americas. We'll only make progress if we are serious about an international coordinated effort.

Mr. ENGEL's legislation is a positive step toward addressing this issue, and I look forward to the bipartisan support of our colleagues today on H.R. 2134.

Mr. ENGEL, Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and pass the bill, H.R. 2134, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENCOURAGING HUNGARY TO RESPECT THE RULE OF LAW

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 915) encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 915

Whereas, on October 23, 1956, some 100,000 Hungarian citizens began a nation-wide revolt against the Communist government of Hungary and its domination by the Soviet Union;

Whereas the Hungarian people fought bravely for freedom, democracy, and human rights;

Whereas, on March 12, 1999, the Government of Hungary, reflecting the will of the Hungarian people, formally became a member of NATO and on May 1, 2005, Hungary became a full member of the European Union;

Whereas the United States has invested over $9,000,000,000 in Hungary since 1989 and the United States is the fourth-largest contributor and largest non-European contributor to foreign investment in Hungary according to the U.S. Department of Commerce;

Whereas the Hungarian Investment and Trade Development Agency reports that foreign direct investment has been crucial in boosting Hungary's economic performance and remains the driving force behind Hungary's economic success;

Whereas in 1997, the Hungarian National Radio and Television Board (ORTT) awarded licenses for two national radio stations, which are set to expire on November 19, 2009;

Whereas the two licenses are the only ones that allow for nationwide coverage by commercial, rather than state, radio-broadcast services in Hungary;

Whereas one of these licenses was awarded to a United States company and the other to a European company, each for a total of 12 years;

Whereas the Financial Times reported on November 6, 2009, that before the bids for renewal of their national licenses were due, these companies were approached by individuals claiming to represent the Socialist and Fidesz Parties in Hungary offering to extend their licenses if the parties received 50 percent of the companies' equity;

Whereas the Financial Times also reported on November 6, 2009, that both stations refused this alleged extortion attempt and the ORTT delegates from Fidesz and the ruling Socialist party voted to award the licenses to two politically-connected local bidders instead;

Whereas the Wall Street Journal reported on November 10, 2009, that Hungary's Prime Minister and the Chair of the ORTT have publicly decried the process by which these licenses were awarded;

Whereas the Economist reported on November 7, 2009, that the Chair of the ORTT resigned in protest and refused to sign the politically-motivated contracts;

Whereas United States investors are an important part of the Hungarian economy and deserve equitable treatment in accordance with United States and Hungarian laws;

Whereas unfair treatment of foreign companies will deter investment and hinder economic growth in Hungary; and

Whereas respect for the rule of law and a free and independent press will spur investor confidence in Hungary: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the recent action by the Hungarian National Radio and Television Board that awarded the national community radio licenses;

(2) encourages the Republic of Hungary to respect the rule of law and treat foreign investors fairly; and

(3) encourages the Republic of Hungary to maintain its commitment to a free and independent press.

Mr. KUCINICH. Madam Speaker, I seek to claim time in opposition.

The SPEAKER pro tempore. Is the gentlewoman from Florida opposed to the resolution?

Ms. ROS-LEHTINEN. Madam Speaker, I do not oppose this resolution.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

Madam Speaker, I thank my good friend from Indiana (Mr. DONNELLY) for introducing this important resolution.

Let me just say in 1989 Hungary joined its Central and Eastern European neighbors in throwing off the mantle of communist rule. By taking the brave and unprecedented decision in that year to open its borders to Austria and to allow East Germans to travel freely to the West, Hungary played a decisive role in bringing about the end of the Cold War. In the 20 years since, Hungary has become a member of NATO, the European Union and a strong partner of the United States.

Hungary is working side-by-side with the U.S. in Afghanistan, where it leads the provincial reconstruction team in Baghlan Province, and it has been a partner in conflicts in Iraq and in the Balkans. We greatly appreciate Hungary's staunch support in these and many areas.

However, we have become concerned about recent reports of possible unfair treatment of foreign investors in Hungary and possible efforts to inject politically motivated demands into the commercial process. In particular, we are concerned by the actions of the Hungarian National Radio and Television Board, ORTT, in deciding not to renew the national radio licenses for two foreign companies, one of which is American-owned, and to award them instead to two local bidders.

In 1997, the ORTT awarded to the foreign companies the only two licenses to provide commercial, rather than state-owned, nationwide broadcast services. Those licenses expired on November 19 of this year.

According to widespread media reporting, the two foreign companies have alleged that before their renewal bids were due, they were approached by representatives of Hungary's two leading political parties, offering to ensure their licenses would be extended if they agreed to the representatives' demands for a percentage of the company's equity and a say in editorial content.

The two foreign companies refused, and the ORTT awarded the licenses to the two local bidders instead, who had submitted tenders that many outside experts have said are not commercially viable.

The day following the award, the chairman of the ORTT resigned in protest, claiming that the two local bidders' contracts were flawed and economically unsound. Numerous commentators have indicated that on the face of it, the ORTT's decision clearly appears to have been politically motivated and have ignored the economic feasibility of the two local bidders' tenders.

Madam Speaker, American companies have invested over $9 billion in Hungary since 1989. Hungary's economy, as with every other country, has been severely affected by the global economic downturn. We support U.S. companies' investment in Hungary, but we note that events such as this case give rise to questions about the fairness and transparency of doing business in Hungary.

We welcome the Prime Minister's commitment to investigate any complaint relating to foreign investments, and the decision by the Hungarian Parliament's Constitutional and Justice Committee to set up a body to examine the radio license transaction.

Hungary is a close friend and ally of the United States, and we urge the government to take all necessary steps to ensure that foreign investors are treated fairly. I urge all of my colleagues to support this important resolution.

Madam Speaker, I ask unanimous consent to split the time evenly in favor of the resolution with my colleague, Ms. ROS-LEHTINEN of Florida.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. KUCINICH. The gentleman asks for unanimous consent to split the time between himself and Ms. ROS-LEHTINEN. I have already claimed time in opposition. What does the Chair rule on that?

The SPEAKER pro tempore. The gentleman from Ohio will control 20 minutes in opposition.

Is there objection to the request of the gentleman from New York that the gentlewoman from Florida control 10 minutes of the time in support?

Without objection, the gentlewoman from Florida will control 10 minutes.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio.

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Mr. KUCINICH. Madam Speaker and my colleagues, as Chair of the Hungarian American Caucus, I want to bring to the attention of this Congress the concerns that have been raised about H. Res. 915, legislation which ''encourages the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.''

This legislation issues broad condemnation of the Republic of Hungary without regard to current legal proceedings that should receive more discussion. I urge my colleagues to consider the consequence of this legislation before casting a vote.

It's already been stated that the Hungarian Prime Minister has given statements questioning the award of the contract, that there is a parliamentary committee looking into it, that courts are reviewing it, and that, in fact, there's a prosecutorial investigation in the offing.

I have contacted the Hungarian Government, and in response to this congressional inquiry, the Hungarian Government pointed out that the licenses awarded to two national radio stations by the Hungarian National Radio and Television Board are under judicial review before the court: ''A criminal procedure related to the issue was launched with the prosecutor's office.''

Now, if this doesn't indicate a responsiveness by the government to the award of the contract, I don't know what does. The question then comes, Why is this even on the floor of the House as a suspension?

I stand by the right of every Member of this body to protect the interest of any business in any district. That's what we're here for. But I think that to put this resolution before the House for passage before any committee meetings have been held to review the actual extent of the Hungarian Government's involvement or lack thereof is really not consistent with our duties and due diligence on every piece of legislation.

Now, the Hungarian National Radio and Television Board awarded 12-year licenses to two national radio stations in 1997, to two companies, one based in the United States and another in Europe. The licenses expired last month and are the only licenses that allow for nationwide coverage by commercial rather than state-run radio broadcast services in Hungary. Following a national bidding process, the licenses were awarded to two Hungarian companies. Members across the political spectrum in Hungary have raised concerns regarding the manner in which the licenses were issued, and a U.S.-based telecommunication company filed legal proceedings in Hungarian court.

Now, the legislation accurately states the importance of foreign investment and a need for equitable treatment in accordance with the United States and Hungarian laws. However, broad condemnation of the Republic of Hungary, charging the country, or implying, that there's widespread corruption without allowing legal processes to take place is more than problematic. This dispute should be resolved in Hungarian courts, which can render judgment and provide sufficient remedy to the injured party including, if they care to, revoke existing licenses, forcing a new round of competitive bidding, or awarding compensation. I mean, these are all things that the Republic of Hungary has the opportunity to do.

But I just want to go back to the legislation itself, which raises questions about the integrity of the government itself. And, frankly, I don't think that's appropriate given the scope of the legislation and the grievances that Members have about the contract-awarding procedure.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

The bill before us, House Resolution 915, encourages the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

Since breaking the chains of communist dictatorship and Soviet domination, Hungary has made significant progress in implementing democracy and economic reforms. I congratulate the Hungarian people and its government for these significant steps. It has also become a full member of the Trans-Atlantic community, having joined both the NATO alliance and the European Union.

In light of how far Hungary has come in just two decades since the fall of the Iron Curtain in integrating itself in Western institutions and embracing basic freedoms, some recent developments in that country regarding the freedom of the press and the rule of law have raised some concern.

Specifically, political appointees to a government body that administers Hungary's airwaves have reportedly taken away two radio licenses from foreign-owned stations, one of them an American company, and have given the licenses to local firms that have links to Hungary's major political parties. The chairman of that government body administering the airwaves has resigned as a result, stating that the decision to take the licenses away from the foreign firms violated the law.

Madam Speaker, the manner in which this Hungarian Government body reportedly treated these foreign companies also may raise concerns about Hungary's full commitment to a free and independent press. Political cronyism, corruption, and restriction on the media are relics of the old communist system and the old parties. The Hungarian people do not wish to resurrect these harmful policies. Not just foreign investors in Hungary but the Hungarian people deserve much better. They have worked too hard. They have gone through too much to make their beautiful country, Hungary, a free and democratic nation.

The sponsors of this measure, Mr. DONNELLY, Mr. PENCE and Mr. BURTON, have introduced this resolution which condemns the recent action by the Hungarian National Radio and Television Board. It encourages the Republic of Hungary to continue to promote and respect the rule of law and treat foreign investors fairly. And, lastly, it encourages the Republic of Hungary to maintain its strong and vibrant commitment to a free and independent press.

Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Madam Speaker, I rise in support of House Resolution 915, a resolution that encourages Hungary to respect the rule of law, treat foreign investors fairly, and to promote a free and independent press.

I appreciate the words of my good friend from Ohio, but I would just like to say that this resolution expresses our concern and condemns the Hungarian Radio and Television Board's process in granting these licenses. It does not question the Government of Hungary's efforts and it does not question our full confidence in their ability to resolve this matter. We welcome the government's steps in moving this forward.

For decades the Hungarian people fought against communist rule for the chance at freedom and democracy. They have been our ally, they joined NATO in 1999, and the country of Hungary is a good and dear friend of the United States of America. We must ensure that this friendship continues to maintain in a healthy and engaged way and that it continues to foster economic growth for our countries.

In 1997 the Hungarian National Radio and Television Board, ORTT, awarded licenses for two national radio stations. One of these licenses was awarded to an American company, the other to a European company, each for a total of 12 years. These terms ended on November 19 of this year. The Financial Times reported on November 6 that shortly before these bids of renewal for the national licenses were due that the companies were approached by individuals claiming to represent various parties in Hungary.

They offered to extend these companies' licenses if they received 50 percent of the equity. Both companies refused this attempt, and the ORTT voted to award these licenses to two connected local bidders instead.

We want to ensure the fullness and fairness that will be provided by the Government of Hungary's review, and we want to make sure that this resolution expresses our concern and condemns the actions of the ORTT.

U.S. investors are an important part of the Hungarian economy and deserve equitable treatment. We have invested over $9 billion in Hungary since 1989. The friendship is strong, the friendship is unbreakable, and we are the fourth largest contributor to direct foreign investment in Hungary.

This resolution, as indicated, expresses our concerns and condemns the ORTT's actions, and we ask the Government of Hungary to treat foreign investors fairly and fully respect the rule of law, as we know they will. I urge my colleagues to support this resolution, to pass House Resolution 915.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I reserve the balance of my time.

Mr. KUCINICH. Madam Speaker, this resolution encourages the Republic of Hungary to respect the rule of law. Now, if you're encouraging someone to respect the law, the underlying assumption is that they don't.

I think that to look at the action of a single agency and to put a broad brush on an entire national government is really grossly unfair. To imply that Hungary does not respect the law is actually an insult to the people of Hungary, who put their lives on the line in 1956 fighting to break free of domination by the Soviet Union, who put their lives on the line to be able to establish a democracy and self-determination.

□ 1130

Is this what they deserve? Do the people of Hungary really deserve to be treated this way? This should have been handled diplomatically. This should have been handled at a committee level before bringing it to the floor of the House of Representatives. And with respect to foreign investors, since the Government of Hungary has itself launched an investigation into the award of this contract, doesn't that show that they want foreign investors to be treated fairly? Doesn't it show that they respect the rule of law by going forward to raise the potential of prosecution of people involved in the award of this contract? Don't we already have what it is that this legislation supposedly aspires to, evidence of respect for the law and fair treatment of foreign investors?

There is no evidence that the Republic of Hungary has suddenly taken a tilt towards Soviet-type control of the press; I hope that no one is seriously asserting that. Hungary is a proud and free society, and we should be very careful about moving forward with resolutions that in any way imply otherwise, not to say simultaneously, well, Hungary is a law-abiding nation, and then say, well, they ought to respect the law.

So again, I wish that the sponsors of this legislation, who I deeply respect and who I know are working very hard for their constituents and the business community as well as for all the people in their districts. I would say take another look at this and maybe send it to committee so that we could have the opportunity to have a deeper discussion about the advisability of the legislation, and maybe to tailor it even more firmly. I mean, I could agree with questioning the action by the Hungarian National Radio and Television Board—the Hungarian Government is questioning that action, but to challenge the entire government's integrity when the government has already taken action to raise questions itself about the award of a contract, really we have to ask what we're doing here.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time and I thank the gentleman from New York.

Mr. ENGEL. Madam Speaker, I yield myself such time as I may consume.

I just want to answer the gentleman from Ohio, for whom I have profound respect. And I want to do it by just reading what this resolution says because I don't think it implies what he thinks it implies.

First of all, at the start of the resolution we talk about the brave people of Hungary and how they rose up against domination, Communist domination, Soviet domination in 1956, and whereas the Hungarian people fought bravely for freedom, democracy and human rights. And we talk about celebrating the fact that they have become a member of NATO and a member of the European Union. And at the end the bill simply says, and let me read it, ''Resolved, that the House of Representatives (1) condemns the recent action by the Hungarian National Radio and Television Board that awarded the national community radio licenses; (2) encourages the Republic of Hungary to respect the rule of law and treat foreign investors fairly; and (3) encourages the Republic of Hungary to maintain its commitment to a free and independent press.'' I don't think that implies anything; I think that it encourages them.

And obviously this resolution is bipartisan. It was a company from Indiana that was wronged, and that is why you have Mr. DONNELLY, Mr. BURTON and Mr. PENCE from different parties, but all from Indiana, very concerned about this as well. So I don't think this casts any aspersions on Hungary, its people, or its government; quite the opposite, I think clearly in the resolution it celebrates the great partnership and alliance that we have with Hungary and all the brave things that the Hungarian people did during the past 50 years. I just wanted to point that out.

I reserve the balance of my time.

Mr. KUCINICH. May I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio controls 11½ minutes.

Mr. KUCINICH. I question why this resolution was brought before this House under suspension. I question why an effort by the proponents of the legislation wasn't made to contact the Hungarian Government and to learn that their position is in fact that there is a judicial review and that there is a criminal procedure related to the issue that was launched with the prosecutor's office because that would clearly indicate action being taken on the part of the government to look at this particular contract.

Why is this matter on the floor of the House of Representatives? Why are we taking this time to look at something that is already under review by the Hungarian Government and doing it in the context of urging the Hungarian Government to have respect for law? That's what they're doing, they are showing respect for law by taking this forward. Why do they need to be encouraged? Everyone here understands what that means; we're implying that they don't respect the law unless their judicial response is a certain way. That is not an appropriate way to proceed here. And again, it is very difficult when you have a colleague who you want to agree with on everything present a resolution with which you don't agree.

I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the author of this resolution, the gentleman from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. And I, too, have the greatest respect and friendship for my colleague from Ohio, but I did want to comment that we, in fact, did meet with the Hungarian Ambassador and did meet with him in my office here at the Capitol. And there is no implication in any way that Hungary does not respect the rule of law; in fact, we are very, very proud of the partnership and friendship that has been built with Hungary. What we are trying to do is express our concern about the conduct of the Hungarian Radio and Television Board, a concern we also expressed to the Hungarian Ambassador. And we are hopeful that this will be resolved in the near future.

Mr. ENGEL. Madam Speaker, I reserve the balance of my time.

Mr. KUCINICH. As my colleague has stated, this resolution is intended to address the actions of the Hungarian National Radio and Television Board; they are the ones who awarded the contract. But yet, in the same breath, we're asking the Hungarian Government to respect the rule of law. Is

there any other example, other than the action of a single board, that any proponent of this legislation can point to which indicates that the Republic of Hungary does not respect the rule of law? Or are we simply talking about one agency? Because if we're talking about one agency, then the resolution should have been written in a different way. Because the impact of this resolution is not going to be just to talk about the decision of one agency, it is going to imply, very broadly, that the Government of Hungary does not respect the rule of law. That passage should have been struck from this legislation.

I ask my colleague, Mr. ENGEL, if you look at the second part of the enactment clause, if he would consider striking that.

I yield to the gentleman from New York.

Mr. ENGEL. Well, let me say to my friend that it is not my resolution; it is Mr. DONNELLY's resolution. I don't think it is appropriate for me to strike anything.

PARLIAMENTARY INQUIRY

Mr. KUCINICH. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KUCINICH. Is a motion to strike in order by the manager of the bill, or would the sponsor of the bill have to ask for such a motion?

The SPEAKER pro tempore. A motion to suspend the rules is not amendable.

Mr. KUCINICH. So since this legislation is being offered under suspension, then no motion to strike would be in order; is that right?

The SPEAKER pro tempore. The gentleman is correct. A motion to suspend the rules is not amendable.

Mr. KUCINICH. Okay. I withdraw my request for a colloquy with my friend from New York.

I just think if it was so important to bring this to the floor, it should have been tailored quite narrowly to talk about the Hungarian National Radio and Television Board and not to take a broad brush with which we paint the Government of Hungary.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York has 1½ minutes remaining. The gentleman from Ohio controls 7 minutes.

The gentleman from New York has the right to close.

Mr. KUCINICH. I think that in the time that I had allotted, I had an opportunity to present my point here. And I just hope that when my colleagues vote on this later on in the day that they will consider the diplomatic implications of voting for this resolution.

And I will say again, and this is really a concern that I have that I want to express to the leaders of the House of Representatives, we have a lot of bills that come to this floor under suspension that appropriately should be discussed in committee before they come to the floor of the House. I think this is a good example of such a bill. And I would ask our leadership to please pay more careful attention to these issues because this House has very valuable time, and while we have the freedom of speech on this floor, the speech gets very expensive when there are so many other issues waiting for discussion on the floor.

I appreciate the opportunity here. I want to thank my colleague, ILEANA ROS-LEHTINEN, for what she has expressed and for the concerns that Mr. DONNELLY and Mr. ENGEL have expressed.

I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, I would just urge my colleagues to support this bipartisan bill. This really is not a controversial bill. This is really, with all due respect, a tempest in a teapot. I think that simply, again, I will read the first sentence——

Mr. KUCINICH. Will the gentleman yield?

Mr. ENGEL. Let me just finish and I will be happy to yield. I would read the first sentence in this resolution, which says, ''Encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.'' I don't think anyone can disagree with that, not even my friend from Ohio. And I will now yield to him.

Mr. KUCINICH. With all due respect to my good friend, Mr. ENGEL, you have compared this to a tempest in a teapot. It's your teapot and it's your tempest.

Mr. ENGEL. Well, let me say to my friend, it's not my tempest and it's not my teapot. I wish the gentleman had come to us earlier before we were having the vote scheduled. We did not know of his objections prior to this debate. And perhaps if he had come to us a little bit earlier we might have been willing to accommodate him, but not knowing about it and being blindsided by his objection, I think it's kind of a little bit difficult to change it.

Mr. KUCINICH. Will the gentleman yield?

Mr. ENGEL. No, I have yielded enough.

Mr. PENCE. Madam Speaker, I rise in support of H. Res. 915, a resolution of the House of Representatives encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press.

I would like to thank my Indiana colleagues, especially Congressmen JOE DONNELLY and BARON HILL, for their yeoman's work on this issue. Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN also were instrumental in bringing this important resolution to the floor.

What could and should have been a fair competition to rebid Hungary's only two national, commercial FM radio broadcast licenses is now mired in allegations of political corruption. As nine embassies in Hungary including the United States warned in a joint letter last month, we are concerned that such instances of non-transparent behavior affecting investors could discourage foreign investment and hamper economic growth in Hungary. This concern is underscored by a report commissioned by the Public Procurement Council in Hungary, which recently found that between 70 and 90 percent of all public procurements in Hungary are tainted by corruption.

The broadcast licenses previously held by Slager Radio (owned by an Indianapolis-based company) and Danubius Radio (owned by a Vienna-based private equity firm) were recently awarded by the Hungarian National Radio and Television Board (ORTT) to other bidders despite unrealistic business plans and irregularities in those bids that I am told should have disqualified them under Hungarian media law. Not only that, but prior to the ORTT's highly controversial decision, Slager and Danubius were reportedly approached by agents of the Fidesz and Socialist parties seeking to acquire partial control of the stations to ensure their licenses would be renewed. Although the ORTT chairman resigned in protest and refused to sign the contracts, the delegates appointed to the ORTT by the Fidesz and Socialist parties all voted in favor of the two new stations. A poll of Hungarians suggested that six of out ten agreed that the decision to end the broadcast rights of Slager Radio and Danubius was ''outrageous.''

Slager and Danubius have appealed the ORTT decision, but litigation could drag on for years, while their popular broadcasts were forced off the air on November 18 of this year, the same day we introduced this resolution. In addition, the Hungarian parliament voted to investigate the matter and a prosecutor is looking into whether criminal charges are warranted. I am encouraged by these steps and it is certainly my hope that the matter will be expeditiously resolved.

U.S. and other foreign investors deserve equitable treatment in accordance with Hungarian law. It bears mentioning that the United States is the fourth-largest contributor to foreign investment in Hungary and the largest non-European source of investment. The United States has invested over nine billion dollars in Hungary since 1989.

Unfair treatment of foreign companies will deter investment and hinder economic growth, while upholding the rule of law and promoting a free and independent press—as we urge in this resolution—would instead spur investor confidence.

In conclusion, we bring this resolution to the floor of the U.S. House of Representatives today in solidarity with all Hungarians demanding a through and expeditious investigation into the highly questionable circumstances surrounding the awarding of these radio licenses and fair competitions in public procurements that will demonstrate Hungary's commitment to respect the rule of law, treat foreign investors fairly and promote a free and independent press.

Mr. ENGEL. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 915.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KUCINICH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1145

EXPRESSING SOLIDARITY WITH EL SALVADOR

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 213) expressing the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 213

Whereas, on November 9, 2009, parts of El Salvador were decimated by floods brought on by Hurricane Ida;

Whereas Hurricane Ida caused the death of over 190 people in El Salvador, and made over 14,000 homeless, with both of those numbers likely to rise;

Whereas over 1,800 homes have been destroyed by the mudslides;

Whereas the small coffee growing town of Verapaz, population 7,000, has almost been completely destroyed;

Whereas reports have stated that up to 10,000 Salvadorians may need emergency food assistance;

Whereas Hurricane Ida also left about 13,000 people homeless in Nicaragua and damaged about 100 homes in Guatemala;

Whereas neighboring nations of El Salvador have provided relief to the people of El Salvador;

Whereas the United States, through the U.S. Agency for International Development and U.S. Southern Command, has provided significant emergency relief and assistance to the people of El Salvador in the wake of Hurricane Ida; and

Whereas El Salvador has begun the process of recovering from this natural disaster: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses solidarity with all people affected by Hurricane Ida;

(2) commends the brave efforts of the people of El Salvador and Central America as they recover from Hurricane Ida;

(3) applauds the coordination between the countries of Central America during the relief effort in providing relief to the people of El Salvador;

(4) acknowledges the efforts of the government of El Salvador to work closely and promptly with the United States to assist the affected population;

(5) recognizes the progress made by El Salvador on disaster preparedness capacity and their efforts to invest in disaster risk reduction; and

(6) urges the President to continue to make available assistance to help mitigate the effects of the recent natural disasters that have devastated El Salvador.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of H. Con. Res. 213, a resolution expressing our support for the people of El Salvador as they persevere through the aftermath of floods brought on by Hurricane Ida. I am the chairman of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, and I feel especially strongly about a resolution like this. I want to thank the ranking member of my subcommittee, CONNIE MACK, the gentleman from Florida, for introducing this important resolution.

On November 9, a large portion of El Salvador was devastated by floods brought on by Hurricane Ida; 196 people were killed, 78 people are missing, and nearly 14,000 individuals are displaced from their homes. Our thoughts are with the people and Government of El Salvador as they cope with these difficult losses.

The United States, through USAID and the U.S. Southern Command, has provided significant emergency relief and assistance to the people of El Salvador in the wake of Hurricane Ida. The President of El Salvador, Mauricio Funes, and his government have worked closely with the United States to assist the affected populations.

Let me add that I attended the inauguration of President Funes in El Salvador with Secretary of State Hillary Clinton just a few months ago, and I am glad that our governments are working so closely together. And let me say that I have great confidence in President Funes as he takes on these crucial disaster relief efforts. I had the pleasure, when I attended the inauguration of Mr. Funes with Secretary Clinton, of meeting with then President-elect Funes at the Summit of the Americas in Trinidad as well, so I have discussed things with him twice.

As I have said, the U.S. and other countries have already done a great deal to assist El Salvador during this difficult time, but I believe much more remains to be done. I urge my colleagues to support this crucial legislation, and I again thank Representative MACK for his important initiative.

I encourage the Obama administration to also support disaster relief efforts in Nicaragua and Guatemala, and we need to continue to assist the government and people of El Salvador and prevent future disasters by investing in the country's infrastructure. And I want to, again, say that Hurricane Ida's damages were not limited to El Salvador. Guatemala and Nicaragua were impacted as well.

So I want to thank my friend, Congressman MACK, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I'd like to yield myself such time as I may consume.

Madam Speaker, I rise today to join my colleagues in support for the people of El Salvador and, specifically, the bill before us, H. Con. Res. 213, a resolution introduced by my colleague from Florida, my good friend, Mr. CONNIE MACK, the ranking member of our important Subcommittee on the Western Hemisphere.

Last month, as we have heard, the torrential rains of Hurricane Ida took a devastating toll on the people of El Salvador. Nearly 200 people lost their lives, and more than 14,000 were left homeless. Up to 10,000 Salvadorans were left in reported need of emergency food supplies. The devastation did not stop at the borders of El Salvador, however. Hurricane Ida also left about 13,000 people homeless in Nicaragua and damaged about 100 homes in Guatemala.

This important resolution expresses our solidarity with all of the people impacted by this horrendous storm, and it commends the brave efforts of all who helped to contribute in the relief efforts in its aftermath. Specifically, I would like to recognize and commend the significant and immediate efforts undertaken by our most generous country, the United States of America, in the wake of this horrific storm. Through the U.S. Agency for International Development's Office of U.S. Foreign Disaster Assistance and the U.S. Southern Command, the United States was able to help airlift emergency relief supplies, finance humanitarian assistance projects, support medical evacuations, assess infrastructure repair projects, and deliver emergency and food supplies to the worst-hit and isolated communities in El Salvador.

This resolution also recognizes the coordination among the countries of Central America in the relief efforts following the storm. It is critical that responsible nations continue to work together to better prepare ourselves and our democratic partners for natural disasters such as this one.

Again, I would like to commend the brave efforts of the people of El Salvador and, in fact, all of Central America as they recover from Hurricane Ida and to express our strong support during this most difficult time.

Specifically, I would like to congratulate my friend from Florida (Mr. MACK) for his authorship of this important resolution, and I would like to recognize him at this time, Madam Speaker, to speak on this resolution. And I would ask him if he would also speak on the Drug Commission on the Western Hemisphere of which he and Mr. ENGEL were the authors.

At this time, Madam Speaker, I would like to yield such time as he may consume to the gentleman from Florida (Mr. MACK), the ranking member of the Foreign Affairs Subcommittee on the Western Hemisphere and the author of this measure.

Mr. MACK. Thank you to Chairman BERMAN, and a special thanks to Ranking Member ROS-LEHTINEN for all of her efforts and her leadership, for bringing this resolution to the floor. I'd also like to thank my colleague from New York, Congressman TOWNS, for joining me in introducing this resolution. Finally, I also want to thank my chairman, Chairman ENGEL, for his leadership in the hemisphere. It has been a pleasure working with Chairman ENGEL on the important issues facing the Western Hemisphere.

Madam Speaker, the people of El Salvador were hit hard by Hurricane Ida. As a Floridian, I understand how destructive and devastating a hurricane can be. We in Florida know what it's like to see the eye of a hurricane coming our way and how it impacts our lives. My heart goes out to the thousands of men, women, and children who have had their lives completely changed by Hurricane Ida and who are, as we speak, picking up the pieces and slowly rebuilding their destroyed villages.

As the ranking member of the Western Hemisphere Subcommittee, I believe it's important that the people of El Salvador understand that the people of the United States support them during these difficult times. I also think it's important to note how several nations worked together and continue to do so to ensure the people of El Salvador are getting the help they need to rebuild. From Honduras, our forces were able to lift those in need out of harm's way. From south Florida, we were able to airlift much-needed supplies. Those who have participated in these relief efforts should be commended for their help. We are honored by their service.

Madam Speaker, we in Congress remain committed to ensure that the people of El Salvador recover from this disaster, and I urge my colleagues to support this important resolution.

I'd also like to make a quick note, if I could, on an earlier resolution that was brought up, H.R. 2134. And I want to thank, again, Chairman ENGEL for his leadership for introducing the Western Hemisphere Drug Policy Act. The problem of illegal drugs impact people across borders, cultures, and socioeconomic status. When we evaluate the U.S. drug policy in the Americas, we must take an all-encompassing approach to the problem.

This legislation is a positive step towards evaluating U.S. policy. Some have focused on treatment or better education; others have focused on supply and the law enforcement aspect of the problem. But let me be clear, we must make sure that we attack the problem from both angles and all perspectives.

As we continue to address U.S. drug policy in the hemisphere, I know that there will be, as there have been, many obstacles. Some of these include countries that simply refuse to cooperate with the United States. And even worse, Madam Speaker, there are governments that have chosen to be part of or facilitate the flow of drugs into the United States.

According to President Obama, Venezuela has failed during the past year when it comes to counternarcotic efforts. The Obama administration has strong evidence that Venezuela has refused to cooperate on almost all counternarcotic issues. Hugo Chavez' refusal to act responsibly not only hurts Americans, but now Venezuela has the second highest murder rate in the world. The Venezuelan Government's alignment with drug lords is so pervasive that ministers of the Chavez government are now categorized as ''Tier II Kingpins.'' It's pretty clear cut, Madam Speaker, that Chavez and the flow of drugs into the United States is something we cannot ignore.

I want to thank Chairman ENGEL again for his leadership, and urge my colleagues to vote ''yes'' on the Western Hemisphere Drug Policy Commission Act, H.R. 2134.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of our time.

Mr. ENGEL. Madam Speaker, let me just say very quickly, it's been a pleasure to work with the gentleman from Florida (Mr. MACK), as well as the ranking member of our subcommittee.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 213, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SYMPATHY TO THE PHILIPPINES

Mr. ENGEL. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 218) expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 218

Whereas, on November 23, 2009, 57 unarmed civilians were slain in Maguindanao in the worst politically motivated violence in recent Philippine history;

Whereas those killed were on their way to file nomination papers on behalf of Ismael Mangudadatu, vice mayor of Buluan, who intended to run against Andal Ampatuan, Jr. who is currently mayor of Datay Unsu, in next year's gubernatorial elections to succeed Andal Ampatuan, Sr., the father of Andal Ampatuan, Jr.;

Whereas many of those killed were women and children, including the wife of Vice Mayor Ismael Mangudadatu and his two sisters;

Whereas most of the women were reportedly raped and their bodies were mutilated after being shot;

Whereas as of December 2, 2009, initial charges have been filed in connection with the massacre, according to press reports;

Whereas the Freedom Fund for Filipino Journalists reports that at least 30 journalists and media workers were killed in the Maguindanao massacre;

Whereas, the Committee to Protect Journalists reports that prior to the Maguindanao massacre, 30 journalists had been killed in the Philippines since 2000, and suspects were prosecuted in no more than 4 cases, putting into question the safety of journalists and the integrity of independent journalism in the Philippines;

Whereas government prosecutors and judges with jurisdiction over the massacre have allegedly received threats and have been told to ''go slow'' on the investigation;

Whereas President Gloria Macapagal Arroyo declared a state of emergency in Maguindanao the day after the massacre, vowing that ''no effort will be spared to bring justice to the victims'';

Whereas extrajudicial killings and election-related violence are common in the Philippines, though never on this scale and rarely with this level of brutality; and

Whereas the United States and the Philippines share a strong friendship based on shared history and the commitment to democracy and freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) regrets the senseless killing of unarmed civilians and expresses its deepest condolences to the families of the 57 victims;

(2) condemns the culture of impunity that continues to exist among clans, politicians, armed elements, and other persons of influence in the Philippines;

(3) calls for a thorough, transparent, and independent investigation and prosecution of those who are responsible for the massacre, including those who committed the killings and anyone who may have ordered them, and that the proceedings be conducted with the highest possible level of professionalism, impartiality, and regard for witness protection to assure the Filipino people that all the responsible persons are brought to justice;

(4) calls for an end to extrajudicial killings and election-related violence;

(5) calls for freedom of press and the safety of the reporters investigating the massacre;

(6) urges the Departments of State and Justice and other United States Government agencies to review their assistance programs to the Government of the Philippines, and to offer any technical assistance, such as forensics support, that Philippine authorities may request; and

(7) reaffirms the United States commitment to working alongside Philippine authorities to combat corruption, terrorism, and security threats.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Madam Speaker, I rise in strong support of this resolution, and I yield myself as much time as I may consume.

Madam Speaker, this concurrent resolution extends our profound condolences to the people of the Philippines who witnessed the worst election-related violence in the country's recent history. I'd like to thank the chairman of our committee, HOWARD BERMAN, for his leadership in bringing this resolution before the House.

On November 23, 57 civilians were killed in Maguindanao in the southern Philippines. They were on their way to file nomination papers on behalf of Ismael Mangudadatu, who intended to run against Andal Ampatuan, Jr., the son of the incumbent governor in next year's elections. Many of those killed were women and children, and at least 30 journalists were also killed, putting into question the safety of journalists and the integrity of independent journalism in the Philippines.

I want to extend my deepest sympathy and support for President Gloria Macapagal Arroyo, who has taken strong measures to hold accountable those who are responsible for this atrocity, vowing that ''no effort will be spared to bring justice to the victims.'' The United States and the Philippines maintain strong bilateral ties based upon historical relations, common interests, and shared Values.

□ 1200

This resolution underscores our commitment to its important relationship during these difficult times.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I'd like to yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution which commemorates the victims of the worst political violence in recent Philippine history. The wholesale massacre of 57 innocent persons, including women, children, and journalists, can only be termed as shocking even in this era of mass violence. The fact that this attack, which included mutilation and rape, took place on a convoy headed to register a candidate for election is a cause for concern for all who uphold democratic values and the rule of law.

I held discussions earlier this fall with my Filipino friends, keen political observers who warned of the potential for corruption, intimidation, and even violence in the run-up to elections in May of next year.

Extrajudicial killings have sadly become rather commonplace in the Republic of the Philippines. Over 30 journalists have reportedly been killed since the year 2000, with prosecutions in only four cases. The pen may be mightier than the sword, but no pen can maintain its strength if so easily cut down.

The Philippines is, after all, no ordinary republic. It is the only Asian nation that first incorporated democratic values as a territory of the United States of America. It was to the Philippines that General Douglas MacArthur vowed to return after the courage of the defense of Corregidor and the agony of the Bataan death march.

American blood was shed, American treasure expended, American youth lost to give birth to the Philippine democracy in the post-World War II world. That is why the massacre of November 23 must be of concern to all of us as the political heirs to those brave veterans of the Philippines. Anything less than a thorough, transparent, and independent investigation of this massacre is unacceptable.

The success of the global war on terror in this volatile southern region of the Philippines depends on a full implementation of transparency and the rule of law.

The People Power Revolution of 1986—which the United States both celebrated and assisted—requires open, fair, and violence-free Presidential elections in May of 2010. Anything less would besmirch the memory of those who have fought and died so that the Philippines might have government of the people, for the people, and by the people. This dream, Madam Speaker, may only be achieved if the truth of the November 23 massacre is fully disclosed.

With that, Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Texas, Congressman AL GREEN.

Mr. AL GREEN of Texas. I thank the Chair and the ranking member.

I would like to quickly give 200,000 reasons why we should be concerned about this incident—200,000. That's the number of persons from the Philippines who served with the United States military in World War II.

The Philippines have earned our respect, and they've earned our necessity to step forward in times of difficulty for them. We owe it to ourselves to make sure that injustice in the Philippines is addressed, because injustice there is a threat to justice here, just as a threat to justice for us was a threat to justice for them.

I support this resolution, and I strongly urge my colleagues to vote in favor of it.

I thank you.

Ms. ROS-LEHTINEN. I have no further requests for time. I yield back the balance of our time.

Mr. ENGEL. Madam Speaker, I just would very quickly like to point out that, besides expressing our deep concern, we also express the concern about the culture of impunity that continues to exist among politicians, clans, armed forces, and other persons in the Philippines. And this calls on the United States to offer any kind of assistance, technical assistance, that we can, and we stand by the Philippine government's efforts to bring peace, rule of law, and security to the southern province.

Mr. SMITH of New Jersey. Madam Speaker, I rise today in support of H. Con. Res 218, expressing Congress's deepest condolences to the families of the 57 victims of the Maguindanao massacre. I thank my good friend from California, Mr. BERMAN, for authoring the resolution, which I am proud to cosponsor.

Madam Speaker, when a friend is struck by a tragedy, perhaps the death of a family member, we all know what to do. We call them up, we visit them, we reach out to them. That is what they need at that moment—to know they are not alone, that they are accompanied by friends. I am confident this is happening in the Philippines right now. The Filipino people have strong families, and a gift for friendship.

I think it is like that with nations too. What happened in Maguindanao was such a terrible tragedy that other nations have to reach out and remind the Filipino people that they are part of a great human family, and that other nations grieve with them.

Madam Speaker, lest anyone doubt the importance of this gesture, let me remind them of the outpouring of support, which came from every corner of the globe, after the September 11 attacks in 2001. That meant so much to us.

But, Madam Speaker, the Filipino people also need justice. When a crime is committed on such a scale and in such a manner as the Maguindanao massacre, fundamental issues of justice and human rights are raised. The ambush of 57 people travelling in broad daylight to file a candidate's nomination papers, their forced march to a prepared killing field, their grisly shooting, mutilation, including the sexual mutilation and reportedly rape of women, and attempted burial by government-owned equipment—something is deeply wrong. And let's remember that the murder of 30 journalists is a full-scale attack on freedom of expression—the Committee to Protect Journalists says this massacre was the deadliest attack on journalists since it began monitoring in 1992.

My good friend's resolution addresses these issues. It condemns the ''culture of impunity'' that precedes and enables such a crime, and calls for a ''transparent and independent investigation and prosecution'' of those responsible, and the proceedings to be conducted with the highest possible level of ''impartiality and regard for witness protection.'' And this is the issue: whether in our own country or elsewhere, whenever a government is unwilling to administer justice, it prepares the ground for human rights violations.

This resolution also calls for an end to extrajudicial killings and political violence, and for press freedom and safety. Finally, it urges our government to offer technical assistance to the investigation.

Madam Speaker, let us ask God to comfort all those who have lost family members and friends in this terrible crime. I urge my colleagues to support this resolution.

Mr. ENGEL. With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 218.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to instruct conferees on H.R. 3288, by the yeas and nays;

Suspending the rules and agreeing to:

H. Con. Res. 199, by the yeas and nays;

H. Con. Res. 206, by the yeas and nays;

H. Res. 940, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 3288 offered by the gentleman from Iowa (Mr. LATHAM) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 212, nays 193, not voting 29, as follows:

[Roll No. 931]

YEAS—212

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (NY)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Himes
Hodes
Hunter
Inglis
Issa
Jenkins
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paulsen
Pence
Perriello
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—193

Ackerman
Andrews
Baca
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy, Patrick
Nadler (NY)
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—29

Abercrombie
Arcuri
Barrett (SC)
Berman
Boucher
Broun (GA)
Campbell
Capuano
Davis (AL)
Delahunt
Fallin
Hall (TX)
Hoekstra
Johnson (IL)
Johnson, Sam
Kagen
Kind
Kirkpatrick (AZ)
Lipinski
Miller, Gary
Moran (VA)
Murtha
Neal (MA)
Paul
Petri
Reichert
Smith (WA)
Towns
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1239

Messrs. GRIJALVA, HOLT, Ms. HARMAN, Messrs. RODRIGUEZ, HOYER, GARAMENDI, BLUMENAUER, BECERRA, Ms. FUDGE, Mr. SCHAUER, Ms. LINDA T. SÁNCHEZ of California, Messrs. HASTINGS of Florida, LYNCH, PALLONE, ELLISON, Ms. LORETTA SANCHEZ of California, Messrs. GEORGE MILLER of California, CLEAVER, GRAYSON, McGOVERN, MOLLOHAN, BISHOP of Georgia, KANJORSKI, Ms. SLAUGHTER, Ms. SPEIER, Ms. RICHARDSON, Messrs. TIERNEY, DAVIS of Tennessee, GUTIERREZ, RYAN of Ohio, Mrs. HALVORSON, Mr. MELANCON, Ms. DEGETTE, and Mr. COHEN changed their vote from ''yea'' to ''nay.''

Messrs. HENSARLING, POE of Texas, BARTON of Texas, YOUNG of Alaska, Mrs. DAHLKEMPER, Messrs. ADLER of New Jersey, DOGGETT, and HODES changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETRI. Madam Speaker, on rollcall No. 931, I was unavoidably detained. Had I been present, I would have voted ''yea.''

RECOGNIZING ECHO COMPANY OF 100TH BATTALION OF THE 442D INFANTRY

The SPEAKER pro tempore (Mr. BLUMENAUER). The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 199, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 199, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 34, as follows:

[Roll No. 932]

YEAS—400

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—34

Abercrombie
Arcuri
Barrett (SC)
Berman
Boucher
Broun (GA)
Campbell
Capuano
Davis (AL)
Delahunt
Fallin
Garrett (NJ)
Hall (TX)
Hoekstra
Johnson (GA)
Johnson (IL)
Johnson, Sam
Kagen
Kind
Kirkpatrick (AZ)
Kucinich
Larson (CT)
Lipinski
Miller, Gary
Moran (VA)
Murtha
Neal (MA)
Paul
Reichert
Rooney
Serrano
Smith (WA)
Towns
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1246

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''Concurrent resolution recognizing the 10th Anniversary of the redesignation of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROONEY. Mr. Speaker, on rollcall No. 932, had I been present, I would have voted ''yea.''

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 932, had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. BROUN of Georgia. Madam Speaker, on rollcall No. 931, making appropriations for the Departments of Transportation, HUD, and related agencies for FY 2010, and on rollcall No. 932, recognizing the 10th anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States, had I been present, I would have voted ''yea.''

COMMENDING THE SOLDIERS AND CIVILIAN PERSONNEL STATIONED AT FORT GORDON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 206, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 30, as follows:

[Roll No. 933]

YEAS—404

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach

Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—30

Abercrombie
Arcuri
Barrett (SC)
Berman
Boucher
Broun (GA)
Campbell
Capuano
Davis (AL)
Delahunt
Fallin
Garrett (NJ)
Hall (TX)
Hoekstra
Johnson (GA)
Johnson (IL)
Johnson, Sam
Kagen
Kind
Kirkpatrick (AZ)
Lipinski
Miller, Gary
Moran (VA)
Murtha
Neal (MA)
Paul
Reichert
Smith (WA)
Towns
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1254

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 933, commending the soldiers and civilian personnel stationed at Ford Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, had I been present, I would have voted "yea."

HONORING 373RD ANNIVERSARY OF THE NATIONAL GUARD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 940, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 940.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 33, as follows:

[Roll No. 934]

YEAS—401

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp

Wasserman Schultz	Welch	Wolf
Watson	Westmoreland	Woolsey
Watt	Whitfield	Wu
Waxman	Wilson (OH)	Yarmuth
Weiner	Wilson (SC)	Young (AK)
	Wittman	Young (FL)

NOT VOTING—33

Abercrombie	DeLauro	Miller, Gary
Arcuri	Fallin	Moran (VA)
Barrett (SC)	Hall (TX)	Murtha
Berman	Heinrich	Neal (MA)
Boucher	Hoekstra	Paul
Broun (GA)	Johnson (GA)	Pence
Campbell	Johnson (IL)	Reichert
Capuano	Johnson, Sam	Smith (WA)
Chu	Kagen	Towns
Davis (AL)	Kind	Waters
Delahunt	Lipinski	Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1301

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 934, recognizing and honoring the National Guard on the occasion of its 373rd anniversary, had I been present, I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 3288:

Messrs. OLVER, PASTOR of Arizona, Ms. KAPTUR, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BERRY, Ms. KILPATRICK of Michigan, Mrs. LOWEY, Messrs. OBEY, LATHAM, WOLF, TIAHRT, WAMP, and LEWIS of California.

There was no objection.

ROY RONDENO, SR. POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3951) to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROY RONDENO, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, shall be known and designated as the ''Roy Rondeno, Sr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Roy Rondeno, Sr. Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am pleased to present H.R. 3951 for consideration. This legislation will designate the United States Postal Service facility located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr. Post Office Building.''

Introduced by my colleague, Representative ANH ''JOSEPH'' CAO of Louisiana on October 28, 2009, and reported out of the Oversight and Government Reform Committee on November 18, 2009 by unanimous consent, H.R. 3951 enjoys the support of the entire Louisiana House delegation.

A native of New Orleans, Louisiana, Roy Rondeno, Sr. served his beloved community as a dedicated employee of the United States Postal Service for over 30 years. Notably, Mr. Rondeno worked at the United States Postal Service facility at Uptown Station located at 2000 Louisiana Avenue in New Orleans, the very facility that we seek to designate in his honor.

The true embodiment of the old adage that ''neither rain, nor snow, nor sleet'' will keep a postman from completing his rounds, Mr. Rondeno was roundly known as a dedicated and beloved letter carrier who would never fail to deliver even the smallest package in the pouring rain.

As noted by the New Orleans Times-Picayune newspaper, many residents along Mr. Rondeno's route had formed a close relationship with this letter carrier and described him as a charismatic man who always had a kind word for everyone. According to friend and Uptown resident Susan Hereford, Mr. Rondeno did not only deliver the mail every day but rather also delivered ''a little piece of himself'' and connected with everyone on his route. Dr. Brian Ghere, another Uptown resident, further describes Mr. Rondeno as ''an exceptional human being, a great letter carrier, and a real credit to his profession.''

The extent of Mr. Rondeno's commitment to his job and his Uptown residents that he was proud to serve was never more evident than on September 26 of this year. Mr. Rondeno volunteered to work on his day off given that the Uptown Station lacked enough letter carriers to cover the day's route. As Mr. Rondeno was sorting mail on the back of his truck, he was struck by a car and tragically lost both of his legs as a result of the accident.

The outpouring of support for Mr. Rondeno and his family that followed his hospitalization stands as a true testament to Mr. Rondeno's standing in Uptown New Orleans as a model public servant and community member. Notably, local merchants and community leaders promptly established a donation fund to assist Mr. Rondeno in his recovery, and signs of support for the letter carrier could be seen hanging in a variety of local storefronts along his route.

Regrettably, on October 2, only 6 days after this accident, Mr. Rondeno died from heart failure during surgery. Mr. Rondeno was only 57 years old at the time of his death, and he had planned on retiring from the postal service early next year so as to focus his attention on serving his New Orleans community in a different capacity, through an outreach ministry that he had recently founded with his beloved wife, Shirley.

As noted by Acting Louisiana District Manager Peter Sgro upon Mr. Rondeno's passing, ''Roy was a dedicated postal employee who wore his uniform proudly. Everybody who knew him agreed he had a tremendous work ethic and always worked to provide the best service to his customers and the postal service.''

Mr. Speaker, while Mr. Rondeno is no longer with us, his memory will undoubtedly live on through his wife, Shirley; his three sons, Roy, Richard, and Ryan; and all those who were fortunate enough to know this dedicated and hardworking public servant.

Mr. Speaker, it is my hope that we can pay tribute to the life and legacy of Mr. Roy Rondeno, Sr. through the passage of this legislation to designate the Uptown postal facility in his honor. I urge all of my colleagues to join us and Mr. CAO, the chief sponsor of this measure, in supporting H.R. 3951.

Mr. Speaker, I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3951 to designate the Uptown post office building located at 2000 Louisiana Avenue in New Orleans, Louisiana, in honor of Roy Rondeno, Sr., a 34-year USPS letter carrier and military veteran, who was the epitome of a loyal and beloved public servant and community member.

In late September 2009, while working on his day off because the postal service was short-staffed, Mr. Rondeno was sorting through mail in the back of his truck when he was hit by a car. The vehicle blew through a stop sign

and critically injured him. Six days later, on October 2, 2009, he died from heart failure during surgery, a few weeks short of his plan to retire and spend time with his family and recently founded outreach ministry.

Mr. Rondeno, a native of New Orleans, Louisiana, lived in Metairie and worked at the USPS Uptown Station in New Orleans. He was known as a dedicated, charismatic, and beloved letter carrier. Survivors include his wife Shirley of Metairie; and sons Richard of Houston, Ryan of Los Angeles, and Roy, Jr. of Metairie.

Mr. Rondeno's accident and subsequent death came as a complete shock to those whom he loyally and lovingly served for and with during the past 37 years. The merchants and community members whom Mr. Rondeno served established a donation fund in his honor and organized a block party to raise funds for his family. Shortly thereafter, the community members and Louisiana district postal employees asked that we dedicate this post office in his honor.

According to the Times-Picayune, those whom Mr. Rondeno served said they formed a ''close bond'' with Mr. Rondeno and described him as a ''happy man with a kind word for everyone and a dutiful postman who introduced himself to new residents, never delivered junk mail addressed to previous tenants, and would stand outside in pouring rain to deliver even the smallest package.''

As one constituent, Susan Hereford, expressed to the Times-Picayune regarding Mr. Rondeno's service to and passion for those whom he served: ''To have that constancy with someone who doesn't just have his head down and drop mail in your box, he connected with everyone on his route. And they connected with him.''

To those whom he served, Mr. Rondeno was a great letter carrier, civil servant, New Orleanian, American, veteran, and friend. To those he leaves behind, he was a loyal and loving husband, father, brother, uncle, and friend. I am proud of his service to the postal service, the United States Military, and the citizens of New Orleans, and I am proud to dedicate this post office in his honor.

As another constituent, Mary Nass, said to the Times-Picayune: ''The outpouring of grief on the part of hundreds of people following Roy's death should teach us that we do not need to know others intimately to positively impact their lives. Here was a kind, humble, and conscientious man who made each and every person whose path he crossed feel a little happier, a little more connected to the human race, after his daily passing. No one could have left us a finer legacy.''

Mr. Rondeno was beloved by the community, his colleagues, and his wonderful family. And I can think of no greater way to honor him than to dedicate the Uptown post office located at 2000 Louisiana Avenue in New Orleans, Louisiana, in his name as a reminder for all who go there of the dedication and passion of this public servant.

I urge all Members to support the passage of H.R. 3951.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I urge all our colleagues to join Mr. CAO, the principal author of this bill, to support House Resolution 3951, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3951.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CAO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANN MARIE BLUTE POST OFFICE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4017) to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ANN MARIE BLUTE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, shall be known and designated as the ''Ann Marie Blute Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Ann Marie Blute Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), the chief sponsor of this measure.

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, I am proud today to rise in support of H.R. 4017 to rename the post office at 43 Maple Avenue in Shrewsbury, Massachusetts, as the ''Ann Marie Blute Post Office.''

Mrs. Blute was a beloved and active member of the tight-knit Shrewsbury community, which is located in my district. She passed away on May 1 of this year after suffering a stroke, and she is dearly missed by her family and all who knew her.

Mrs. Blute was a true pillar of her community. Her life revolved around helping others, especially children. She once told her son Joseph that all she ever wanted to be was a mother. Along with her husband, Dr. Robert Blute, Sr., she did just that, raising 11 wonderful children, including former Congressman Peter Blute.

□ 1315

Over the years, she took great pride in watching her children, and later her 23 grandchildren and four great-grandchildren, thrive and prosper. What truly distinguished Mrs. Blute, however, is that she was not only a mother to her own children, but she was also a mother figure to so many of the children she came in contact with through her volunteer work.

Mrs. Blute had a deep and unwavering passion for social justice and committed herself to helping the sick and the poor. The diversity of Mrs. Blute's community work is truly impressive. She volunteered with the Nazareth Home for Boys, which provides stable housing and a nurturing environment for young boys in difficult times. She also worked with the Mustard Seed, a volunteer soup kitchen that offers hot meals to the homeless. A devout Roman Catholic, she was especially active in St. Mary's Church in Shrewsbury where she served on the Women's Guild and as a catechism teacher and a Eucharistic minister.

One of Mrs. Blute's proudest moments came in 1994, when Cardinal John J. O'Connor called her to St. Patrick's Cathedral in New York City to receive the title of Dame of Malta. This is one of the highest honors bestowed by the Catholic church and is given to those individuals who demonstrate an intense devotion to service. I can think of no one more deserving of this prestigious honor than Mrs. Blute.

Mr. Speaker, all too often we fail to adequately recognize one of the toughest yet most important jobs of all, being a mother. Mrs. Blute exemplified all of the best qualities of a mother—kindness, compassion, dedication, and hard work. She was kind enough to share herself not only with her own children and family, but also with the entire Shrewsbury community. Hundreds of children in central Massachusetts are no doubt better off today because they had the privilege of knowing Mrs. Blute.

We are all eternally grateful for her service and her lasting kindness. The

world would be a better place with more people like Ann Marie Blute. Mr. Speaker, naming the Shrewsbury Post Office after Mrs. Blute is a permanent reminder of her beautiful life and commitment to service. I hope that it will also inspire others to take up the call of service that Mrs. Blute answered with such passion.

Mr. Speaker, I urge all of my colleagues to vote ''yes'' on H.R. 4017, and I thank the gentleman from Massachusetts, my colleague, Mr. LYNCH, for yielding me the time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4017, which designates the United States Postal Facility located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the Ann Marie Blute Post Office.

Ann Marie Blute was born on May 30, 1925 in Boston, Massachusetts. As the oldest of eight, she helped raise her siblings, which would only help prepare her for raising 11 children of her own one day. In 1947, she married Dr. Robert Blute, Sr., an Army doctor, and sailed to Germany where they lived for 2 years. After returning to the States, her husband began practicing medicine in Worcester, Massachusetts, while she raised her family and volunteered tirelessly within the Catholic church.

A parishioner at St. Mary's Church in Shrewsbury since 1954, Mrs. Blute served on many committees as a mother at the school. She taught catechism, worked with the Women's Guild, and was a Eucharistic minister. In 1994, she received the ultimate honor for all of her service to the Shrewsbury community through the Catholic church with the title of Dame of Malta, one of the oldest Catholic religious orders dedicated to charitable service.

Her generosity extended outside of her family and her neighbors. After her children had left for college, Mrs. Blute offered her home and her hospitality to young Vietnamese immigrant, Lucy Hoang, who was searching for a better life. Ms. Hoang, now 44 years old and a chemical engineer, said of her host, ''When I first came here, she was standing at the door waiting for me with arms wide open. I felt shaky, but as I came to her, she hugged me.'' Ann Marie Blute's kindness knew no bounds.

Mrs. Blute sadly passed away at the age of 84. She is survived by her husband, children, and large extended family. Please join me in supporting this bill in honor of Ann Marie Blute who fervently served her community in Shrewsbury.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, as a procedural matter, H.R. 4017 was introduced by my friend and colleague, Representative JIM MCGOVERN, who we heard from earlier, on November 4, 2009, and was favorably reported out of the House Oversight Committee by unanimous consent on November 18, 2009. In addition, I am proud to say that I am an original cosponsor of H.R. 4017, which enjoys the support of the entire Massachusetts House delegation.

A beloved resident of the town of Shrewsbury, Massachusetts, Mrs. Ann Marie Blute passed away on May, 1, 2009 at the age of 83. While Mrs. Blute is no longer with us, she will forever be remembered for her dedication to her loving family as well as her genuine and longstanding commitment to public service.

Born in the city of Boston on May 30, 1925, and as the oldest daughter of eight children, Mrs. Blute quickly learned how to help in raising a large and very busy family. In addition, Mrs. Blute was also able to witness the value of public service at a very early age as her father, Colonel Paul Hines, a distinguished veteran of World War I, went on to serve in the Massachusetts House of Representatives. As noted by the Boston Globe upon Mrs. Blute's passing, a commitment to public service ''ran in the genes'' of the Blute family, as Mrs. Blute's brother, Peter, served as chairman of the Boston city council and her son, Peter, as has been mentioned earlier by Mr. MCGOVERN, was elected to the United States Congress.

After receiving her education in the Boston public school system, Mrs. Blute accepted a position in the business office at the Boston Post newspaper where her mother, Margaret Galvin Hines, worked as a reporter. In 1947, however, Mrs. Blute left Boston for the town of Bremerhaven, Germany, after marrying Dr. Robert Blute, a doctor with the United States Army and Mrs. Blute's beloved husband for the next 62 years. Together, Mr. and Mrs. Blute would go on to have 11 children—five sons and six daughters.

Upon their return from Germany, the Blute family settled in the town of Shrewsbury, Massachusetts, where Mrs. Blute embarked on her life's work and journey as a mom, not only to her own 11 children but also to the many neighborhood children that entered her life. In addition, Mrs. Blute's arrival in Shrewsbury also marked the continuation of her lifelong dedication to serving others. A devout Roman Catholic and devoted parishioner of St. Mary's, as has been mentioned, Mrs. Blute actively participated in a variety of church community programs and activities. Specifically, Mrs. Blute served on the Women's Guild, taught catechism, as Mr. CAO has mentioned, and became a Eucharistic minister. In addition, she was a founding member of the Associates of the Sisters of Notre Dame de Namur, based in Ipswich, Massachusetts. And in 1994, Mrs. Blute, as Mr. MCGOVERN has mentioned, was called to St. Patrick's Cathedral in New York by Cardinal John O'Connor to receive the title of Dame of Malta, granted to those who demonstrate an intense devotion to service and one of the Catholic church's highest honors.

Moreover, Mrs. Blute also served as a dedicated board member of various community organizations, some of which have been mentioned, including the Nazareth Home for Boys in Leicester, Massachusetts, and the Mustard Seed homeless shelter in the city of Worcester.

In addition, Mrs. Blute's community work included her service as a trustee of the Shrewsbury Library, as well as her membership in the Shrewsbury Garden Club, the Ladies Auxiliary of St. Vincent's Hospital, and the Ladies Auxiliary of the Massachusetts Medical Society. Notably, Mrs. Blute also spent several years volunteering for the non-profit organization, Aid to Incarcerated Mothers.

As so eloquently stated by her beloved husband, Robert, Mrs. Blute's lifelong ambition was ''to perform each of the works of mercy—to feed the hungry, to help the poor, to visit the prisoner, and give aid to the sick and the stranger.'' Mrs. Blute's driving purpose was evidenced time and time again through her many good deeds. Among them was the kindness and generosity that she displayed toward Lucy Hoang, a Vietnamese immigrant who Mrs. Blute lovingly took into her home for 3 years.

Mr. Speaker, the life of Mrs. Ann Marie Blute stands as a testament to public service. Her memory will undoubtedly live on through her husband, Robert; their 11 children, 23 great grandchildren, four great-grandchildren, her four siblings, and the countless friends and neighbors for whom Mrs. Blute's dedication to community service made the ultimate difference. It is my hope that we can pay further tribute to Mrs. Blute's remarkable legacy through the passage of this legislation to rename the Shrewsbury post office in her honor. I urge my colleagues to join Mr. MCGOVERN, the chief sponsor of this bill, in doing so and supporting H.R. 4017.

Mr. Speaker, I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I urge all Members to support the passage of H.R. 4017, and I would like to congratulate Mr. MCGOVERN.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Again, Mr. Speaker, in closing, I urge Members on both sides of the aisle to support Mr. MCGOVERN in the sponsorship of this measure, H.R. 4017.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 4017.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SPECIAL AGENT SAMUEL HICKS FAMILIES OF FALLEN HEROES ACT

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2711) to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Special Agent Samuel Hicks Families of Fallen Heroes Act''.

SEC. 2. TRANSPORTATION OF DEPENDENTS, REMAINS, AND EFFECTS OF CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

''§ 5724d. Transportation of dependents, remains, and effects of certain Federal employees

''(a) IN GENERAL.—Under regulations prescribed under section 5738 and when the head of the agency concerned (or a designee thereof) authorizes or approves, if a covered employee dies while performing official duties or as a result of the performance of, official duties, the agency may pay from Government funds—

''(1) the qualified expenses of the immediate family of the employee, if the place where the family will reside following the death of the employee is—

''(A) different from the place where the family resided at the time of the employee's death; and

''(B) within the United States; and

''(2) the expenses of preparing and transporting the remains of the deceased to—

''(A) the place where the immediate family will reside following the death of the employee; or

''(B) such other place, appropriate for interment, as is determined by the agency head (or designee).

''(b) QUALIFIED EXPENSES.—For purposes of this section, the term 'qualified expenses', as used with respect to a family changing its place of residence, means the moving expenses, transportation expenses, and relocation expenses of the family which are attributable to the change in place of residence.

''(c) DEFINITIONS.—For purposes of this section—

''(1) the term 'covered employee' means—

''(A) a law enforcement officer, as defined by section 8331 or 8401; and

''(B) any employee in or under the Federal Bureau of Investigation who is not described in subparagraph (A);

''(2) the term 'moving expenses', as used with respect to a family, includes the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking the household goods and personal effects of such family, not in excess of 18,000 pounds net weight; and

''(3) the term 'relocation expenses' has the meaning given such term under regulations prescribed under section 5738, including relocation expenses and relocation services described in sections 5724a and 5724c, respectively.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724c the following:

''5724d. Transportation of dependents, remains, and effects of certain Federal employees.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the chairman of the full Committee on Oversight and Government Reform, Chairman TOWNS, and its members, I am proud to present H.R. 2711, the Special Agent Samuel Hicks Families of Fallen Heroes Act, for consideration.

This bipartisan legislation was introduced on June 4, 2009, by Representative MIKE ROGERS of Michigan and several members of the Oversight Committee, including Chairman ED TOWNS and Representatives BILL FOSTER, ELIJAH CUMMINGS, and BRIAN BILBRAY. In addition, this legislation was favorably reported out of the Oversight Committee on September 10, 2009, by voice vote. H.R. 2711 is a worthy and important issue and I am pleased to be an original cosponsor of this bill.

As reported by the Oversight Committee, the legislation would authorize the FBI to pay the relocation and moving expenses for families of FBI agents who are killed in the line of duty. Under current law, the FBI is only authorized to pay these expenses if an FBI agent or an employee is killed overseas, but cannot pay for relocation if the death occurs in the U.S.

FBI employees and their families are moved routinely by the Bureau within the United States to take on assignments that further the mission of the agency and the security of the country. While we wish this legislation was not necessary, tragically there have been instances in the recent past where such authority was needed to support the families of agents or employees who gave their lives.

Of course, untimely deaths in the Federal law enforcement community are not limited to the FBI, and the Bureau is not the only Federal agency that relocates its employees to better protect the country. Recognizing this, the bill we are considering on the floor today includes a straightforward but important amendment that recognizes the service and sacrifice of all Federal law enforcement officers. The amendment simply extends the authority in this legislation to the other agencies that employ Federal law enforcement officers.

This amendment has strong support from the Federal law enforcement community. I should also note that the costs associated with this bill remain small as the number of Federal law enforcement officers killed annually is approximately 12 to 15 officers. We can and should assist each and every one of these families by supporting this amendment and this bill. Moreover, the amendment also pays tribute to the memory and service of Special Agent Samuel Hicks by renaming the legislation in his honor. Special Agent Hicks was assigned to the Pittsburgh FBI office and was shot fatally on November 19, 2008 at the age of 33 while executing a Federal search warrant associated with a drug distribution ring. He is survived by his wife and their 2-year-old son.

Special Agent Hicks was a former police officer with the Baltimore police department. He and his family relocated to Pittsburgh when he became an FBI agent. Unfortunately, after the loss of Special Agent Hicks, the Bureau was unable to assist the Hicks family in moving back to Baltimore because of statutory limitations.

□ 1330

This legislation would correct this problem and prevent future families from suffering additional unnecessary grief and hardship. I encourage all the Members to support Mr. ROGERS and his legislation.

I reserve the balance of our time.

Mr. CAO. Mr. Speaker, I yield as much time as he may consume to my friend and colleague from the State of Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, Mr. LYNCH and Mr. TOWNS, thank you very, very much for your work in a bipartisan way on this very important piece of legislation.

Sometimes, with all of the big issues that we deal with, we do pause and pay attention to issues that impact lives like some circumstances like no other. And if you imagine the Federal law enforcement community—and I used to serve proudly as an FBI agent and was proud to count myself as one of them—that every single day somebody suits up quietly, with a search warrant or an arrest warrant to serve it somewhere in America. And we forget because they are exceptionally good at doing what they do without getting hurt or harmed, but it is incredibly dangerous work. They get drug dealers and they get child pornographers and they get bank executives committing bank fraud. They get Mafia dons, and they get terrorists of the hardest sort, and they bring them to justice as a part of

defending the Constitution and the communities of the United States of America.

And what this particular case exemplified is that there was a glitch in the law, because we ask these Federal law enforcement officers to move and uproot from their communities. They swear an oath to their country and their Constitution and to uphold the law of the United States. And then we ask them to leave their hometowns of, say, Baltimore or New York or small towns anywhere in America and take their families with them to these new places to fight crime wherever they find it. And this pointed out one very, very significant glitch is that if an officer, a Federal law enforcement officer was killed in the line of duty in the United States, their families had no means, the Federal Government could not assist them in moving back home, the very place that they stood up and said they would serve proudly with their loved one wherever that mission would take them.

Many, the FBI, specifically, makes it very well known that you have no right to serve where you want. You will serve at the needs of the FBI. And other agencies serve in the same capacity, and their families suffer the same sacrifice when we ask them to move.

This is a small token, just a small token of what we can do for those families who have sacrificed so much and lost their loved one while killed in the line of duty. And it's named after a very, very brave FBI agent who risked his life for his country serving a narcotics warrant in Pittsburgh. I mean, this is someone who had a strong history of public service. He was a teacher. He was a Baltimore police officer.

His FBI agent colleagues described him as brave and courageous and the anchor. When they were going through their training at the FBI academy, they said this is the guy that you wanted to go in the door with. He's the guy that would anchor and teach them how to safely get in and safely get out of homes in very dangerous situations. And the agents and all that were interviewed were certainly, by press reports, tearing up and reliving the memories of what was a great American who was absolutely committed to the ideals of the FBI: fidelity and bravery and integrity. And in that pursuit, in his pursuit to live up to the standards of the FBI, he risked and ultimately gave his life for his community and his country.

So what this bill does, with the help of Mr. LYNCH and Mr. TOWNS and so many others, Mr. CAO—thank you—is it says that we will respect what you have given your country, and we will help those families move back to where they call home in that final, final rest and trip in remembrance of someone who did something so great for their country.

His peers also described him, Mr. Speaker, as a humble and giving man, an outstanding FBI agent, somebody whose dream job was to wear and carry the badge of a special agent of the FBI.

He is survived by his wife, Brooke, and his 3-year-old son, Noah.

And for all that he has done, I think it's so fitting that the committee sought to name this bill after one agent. And in the Bureau, it's never anyone's particular case. He didn't own that case. He didn't own that incident, but he was part of a bigger team. And so, when you name this bill after an agent like this, it really sends great condolences to the family and respect to every officer that falls in the line of duty. His name may be on the bill, but it is a gift to every family who risks their lives every day in the service of this great Nation in the law enforcement community.

And I would, again, urge all of us to support this with vigor.

And I also want to thank the FBI Agents Association for their work and diligence on this. The Department of Justice has been very, very good to work with, and the FBI itself has given their time and commitment, once again proving their commitment to the family of the FBI and the work that they do.

Again, I thank you all for the work that you have done. I think his family would be humbled. I think the FBI agents are humbled, and I think our Federal law enforcement community is humbled that we would pause in all of the debate and remember their service and sacrifice to the United States.

Mr. LYNCH. Mr. Speaker, I thank the gentleman from Michigan for his kind words and articulate words.

At this time, Mr. Speaker, I would like to yield to the gentleman from Maryland (Mr. CUMMINGS), who is also a driving force behind this bill, for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today in support of H.R. 2711, the Special Agent Samuel Hicks Families of Fallen Heroes Act.

This legislation, as has been said, honors Pittsburgh FBI Special Agent Samuel Hicks, who was shot and killed while executing a Federal search warrant on November 19, 2008. Before joining the FBI, Special Agent Hicks was a teacher and a city police officer in my hometown and the Congressional district I represent in Baltimore, Maryland. When arrangements were made for Special Agent Hicks to return to his final resting place in Baltimore, moving expenses for his family to relocate were not covered.

This legislation would provide funds for the moving, transportation, and relocation expenses attributed to a change of residence within the United States of the immediate family of an FBI employee who dies in the performance of official duties. It also covers the expenses of preparing and transporting the remains of the deceased to the place where the family will reside following the employee's death.

I must commend Mr. ROGERS for this legislation. I think it's very much due. As I was reading over the legislation, I could not help but think to myself, I hope we don't have to use the provisions of this legislation too often, because I think all of us mourn whenever one of our law enforcement officers is harmed or killed. It's a sad day. I've often said, and we've often heard the words, they are, indeed, our thin blue line. If you don't think they're the thin blue line, you let something happen to you and they don't show up.

One of Special Agent Hicks' colleagues said of him, He was very skilled in everything, encouraging, always had a positive attitude, and the first to step forward and volunteer for anything. His colleague went on to say, He was just the kind of guy who was a role model for other people in the academy who maybe didn't have experience or come from different backgrounds.

Mr. Speaker, this is just one of many examples of how dangerous a job like being an FBI agent can be, but it is one that so many take on every single day, not wondering whether they will return home to their families, return to their neighborhoods. His sacrifice is always going to be remembered through his family, colleagues, and hopefully through the passage of this legislation.

On May 2, 2009, Special Agent Hicks' name was added to the National Law Enforcement Officers Memorial here in Washington, but that is simply not enough. We must honor those who have made the ultimate sacrifice by taking care of their loved ones who have also made a tremendous sacrifice.

Again, I commend Congressman ROGERS of Michigan and the House Oversight and Government Reform Committee, Mr. LYNCH, especially those original cosponsors, of which I'm one, for the leadership with regard to this legislation. With the passage of H.R. 2711, we can honor Special Agent Hicks and prevent future families from additional heartache and hardship at a very, very difficult moment in their lives.

I encourage all the Members to support this legislation.

Mr. CAO. Mr. Speaker, I yield myself as much time as I may consume.

When we passed this bill out of the Oversight Committee on September 9, this bill only applied to FBI officers who died in the performance of official duties. After working with our Democratic colleagues, this bill, as amended, would authorize the employing agency of any Federal law enforcement officer who dies in the performance of his or her duties as defined under title 5, section 5541, to pay the moving, transportation, and relocation expenses due to a change of residence within the United States of the immediate family of the officer. It would also authorize the employing agency to cover the expenses of preparing and transporting the remains of the deceased to the place where the family will reside following the employee's death.

Federal law enforcement officers are often asked to relocate to new areas all across the country and the world, and, frequently, these officers bring their

families with them to these new areas. In the case of Federal law enforcement officers who die in the performance of official duties, the family is often left stranded, with no means to return to an area they call home. Caring for the families of these heroes who have died while serving this Nation is a priority for Congress, and the costs of H.R. 2711 are relatively insignificant.

Mr. Speaker, I support this measure and I urge all Members to support the passage of H.R. 2711.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I want to thank Mr. CAO and Mr. ROGERS, the gentleman from Michigan, as well as the gentleman from Maryland (Mr. CUMMINGS), and one other driving force behind this, our own chairman, ED TOWNS, for supporting this measure, H.R. 2711, as it really provides Federal law enforcement agencies with the necessary authority to support these families in their greatest time of need.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2711, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1345

RECOGNIZING 100TH ANNIVERSARY OF THE GRAND CONCOURSE

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 907) recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 907

Whereas the Grand Concourse was designed by engineer Louis Aloys Risse beginning in 1894;

Whereas the Grand Concourse opened in 1909;

Whereas the 4-mile thoroughfare stretches from 138th Street to Van Cortland Park in the Bronx;

Whereas Edgar Allan Poe wrote the poem ''Annabel Lee'' in his Bronx cottage which now stands on the Grand Concourse;

Whereas Babe Ruth, Stanley Kubrick, Milton Berle, Penny and Garry Marshall, and E.L. Doctorow all at one time made their homes on the Grand Concourse;

Whereas the Grand Concourse hosts such New York landmarks as Yankee Stadium, Loews Paradise Theater, and the Concourse Plaza Hotel;

Whereas the Grand Concourse has the largest collection of Art Deco and Art Moderne buildings in the United States;

Whereas the Grand Concourse is registered as a National Historic Place;

Whereas the Grand Concourse has been designated as a special preservation district by the City of New York;

Whereas the Grand Concourse is known as the Champs Elysées of the Bronx;

Whereas the Grand Concourse is the central north-south artery of the Bronx;

Whereas the Concourse serves the 4, 5, B, and D subway lines as well as several bus routes and is a major transportation route in New York City;

Whereas the $18,000,000 that was provided for the Grand Concourse in January 2006 led to improving the streetscape and creating better access for pedestrians;

Whereas the Bronx Museum of the Arts is celebrating the roadway in its exhibition, ''Intersections: The Grand Concourse at 100'';

Whereas the Grand Concourse has seen the arrival of countless new immigrants as well as people arriving from other parts of the country, including Puerto Rico, and has been their launching point for the valuable contributions that they have made;

Whereas the people of the Bronx enjoy spending time on the beautiful parks adjoining the Grand Concourse, making it a center for socializing and recreating;

Whereas the Grand Concourse has fulfilled and exceeded its planners' intentions over a series of generations, occupying a central place in the hearts and minds of Bronxites past and present; and

Whereas the Grand Concourse since its inception has been an integral part of the cultural life and economic development of the Bronx: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to The Bronx County Historical Society located at 3309 Bainbridge Avenue, The Bronx, NY 10467, for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include extraneous material on House Resolution 907.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 907, a resolution recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and as an important nexus of commerce and culture for the city of New York. I commend the gentleman from New York (Mr. SERRANO) for his work on this resolution to honor a historic roadway in advance of this milestone.

First conceived of in 1890 as a means of connecting the borough of Manhattan to the northern Bronx, the Grand Concourse was designed by Louis Aloys Risse and opened to the public in 1909. The project was originally completed for a total cost of $14 million, the equivalent of $340 million today.

Over the past 100 years, the Grand Concourse has served as the backdrop to many historic New York City landmarks, while the apartment buildings along the roadway have been home to the likes of Babe Ruth, Stanley Kubrick, Milton Berle, and other famous New Yorkers.

Among the many landmarks along the Grand Concourse is the Loew's Paradise Theater, which was constructed in 1929 and was at one time the largest movie theater in New York City. The old Yankee Stadium opened near the Grand Concourse at 161st Street in 1923 and has served as an important centerpiece for the Bronx and the city of New York ever since.

In the course of over 100 years, the Grand Concourse has played a longstanding role in defining the Bronx community, serving as the central north-south artery of the borough. Covering over 4 miles in length, it is lined with parks, fountains, and other pedestrian-friendly community assets that add aesthetic, cultural, and transportation value to the borough.

Recently, $18 million was invested in the infrastructure of the Grand Concourse to make it more pedestrian friendly and restore the roadway's beauty that has made it vital to the cultural and economic development of the Bronx for 100 years.

So, Mr. Speaker, in honor of this historic landmark and its contributions to both the city of New York and the borough of the Bronx over the past century, I urge my colleagues to join me in supporting House Resolution 907.

I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking minority member on the Highways and Transit Subcommittee, I have been asked to speak on this resolution, and I rise in support of House Resolution 907, a resolution—as the gentleman from Washington State just described—a resolution recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture in the city of New York.

The Grand Concourse is a rare blend of history, culture, and infrastructure that has accommodated the likes of Babe Ruth, Stanley Kubrick, and Edgar Allan Poe. The Grand Concourse also plays host to the iconic Yankee Stadium, Loew's Paradise Theater, and the Concourse Plaza Hotel. Few roads in our Nation's history have reflected the personality of the local culture better than the Grand Concourse has done for the Bronx.

Mr. Speaker, I urge all of my colleagues to support this very timely and appropriate resolution.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I would now like to recognize for as much time as he may consume the gentleman from New York (Mr. SERRANO), the sponsor of the resolution.

Mr. SERRANO. I thank the gentleman for the time, and I thank both him and the ranking member for the support.

Too often we take for granted those places where we live in terms of the landmarks that are around us, and this is a celebration of a roadway that—it was stated before—it was set up or thought of originally to link the borough of Manhattan to the Bronx, but it became much more than that. It became a cultural icon. It became part of a community. And as the city grew and up to today, in its 100th anniversary, it has become grander year by year.

We are now celebrating 100 years of the Grand Concourse, and this, as said, was designed by a French immigrant in 1894, and when it opened in 1909, it was something spectacular that had not been seen before. Those of you who have come on many occasions, I'm sure—and hopefully in the future—to visit the Bronx and to visit Yankee Stadium will know that the Grand Concourse, that 4-mile thoroughfare that stretches from 138th Street to Van Cortland in my borough, the Bronx, is really majestic in form and so full of history.

The Grand Concourse has the largest collection of Art Deco buildings in the United States, and those Art Deco buildings are those that you walk into and the lobbies are so special with the artwork and the murals that were painted, especially during World War II and in the late 1930s. Those buildings are now part of the National Registry.

In accordance, the Grand Concourse itself has been designated and registered as a National Historic Place and has also been designated as a special preservation district by the city of New York.

And as was mentioned before, if you go to the Grand Concourse you will see the cottage known as Poe Cottage where Edgar Allan Poe wrote the poem ''Annabel Lee,'' and that is still standing there.

Many folks, as we mentioned today, have lived on the Grand Concourse. Of course I live on the Grand Concourse, and I certainly did not have the kind of year that Babe Ruth had in 1927, but I've had a pretty good year in this past year.

This Congress saw fit a couple years ago to designate $18 million that was used to renovate parts of the Grand Concourse and its infrastructure. That was in January of 2006. And now as part of that celebration, the Bronx Museum of the Arts is celebrating the roadway in its exhibition ''Intersections: The Grand Concourse at 100.''

What's interesting about the Grand Concourse, I believe, is that it mirrors so much of what New York City is and what this country is. Because as you travel the Concourse not only physically but through its history, you see the different groups of people who came to New York, who came to the Bronx, who settled on the Concourse, as we called it, and became part of America.

And so as we see people enjoying the park and enjoying and socializing on the Concourse, we see the different groups that have arrived from throughout the world and from my birthplace of Puerto Rico.

The Grand Concourse has, for them, fulfilled and exceeded its planners' intentions over a series of generations—occupying a central place in the hearts and minds of Bronxites past and present.

So I have come here today in support of this resolution. I would hope everyone votes for it. I thank the committee, the chairman, and the ranking member for their support.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 907, recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx, which serves as an important nexus of commerce and culture for the City of New York. I commend the gentleman from New York (Mr. SERRANO) for his work on this Resolution. Designed by Louis Aloys Risse and opened to the public in 1909, this beautiful, tree-lined thoroughfare was first conceived of in 1890 as a means of connecting the borough of Manhattan to the northern Bronx.

The original cost of the project was $14 million, the equivalent of $340 million today. Over the past 100 years, this investment has leveraged significant private and public economic development activity in the Bronx, and has served as the backdrop to many historic New York City landmarks. Among these landmarks is the Loews Paradise Theater—at one time the largest movie theater in New York City—which was constructed in 1929 along the Grand Concourse. In 1923, the old Yankee Stadium opened near the Grand Concourse at 161st Street and has remained an important landmark in the surrounding Bronx community ever since.

Over the course of its 100 years, the Grand Concourse has played a longstanding role in defining the Bronx community, serving as the central north-south artery of the borough. For over 4 miles, the Grand Concourse is lined by several parks, fountains, and other pedestrian-friendly community treasures. The apartment buildings along the Grand Concourse have been home to the likes of Babe Ruth, Stanley Kubrick, Milton Berle and other famous New Yorkers over the years.

Reflecting much of the tumultuous history of the Bronx itself, the Grand Concourse is preparing for the rebirth and restoration of key social, economic and environmental infrastructure. Recently, $18 million was committed to upgrading the Grand Concourse to make it more pedestrian-friendly and to restore the roadway's beauty that has made it vital to the cultural and economic development of the Bronx for 100 years.

Mr. Speaker, it is for these great contributions to the City of New York and to the Borough of the Bronx over the past 100 years that I urge my colleagues to join me in supporting H. Res. 907.

Mr. ENGEL. Mr. Speaker, I rise today to recognize the 100th anniversary of the Grand Concourse. As a proud, lifelong resident of the Bronx, I am pleased to co-sponsor H. Res. 907 recognizing the Grand Concourse as one of the most important and historic commerce and cultural centers of New York City.

The Grand Concourse is both the backbone and the heart of the Bronx. Each and every day, thousands of Bronxites travel up and down the concourse, connecting our borough from the north and south of the borough. It unifies the Bronx and enables people to interact and frequent the scores of businesses and cultural landmarks which run up and down the highway.

I grew up only four blocks from the Grand Concourse, and I have very fond memories of those days and the time spent along the thoroughfare. So much of my life, and the lives of my constituents, are tied to the Grand Concourse and I would not trade one moment of it for anything. As a child I watched films at the Loews Theater, I've attended numerous games at Yankee Stadium, and driven north along the Grand Concourse to visit Van Cortlandt Park.

I look forward to the start of the next 100 years in the life of the Grand Concourse, and Mr. Speaker, I encourage my colleagues to come to the Bronx and do the same.

Mr. DUNCAN. Mr. Speaker, I urge support of this resolution, and I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, we have no further speakers, and as a result, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and agree to the resolution, H. Res. 907.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LARSEN of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENSION OF AUTHORITY TO EXPEDITE THE PROCESSING OF PERMITS

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4165) to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197; 121 Stat. 1067) is amended by striking ''2009'' and inserting ''2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4165.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4165. This bill would extend section 214 of the Water Resources Development Act of 2000 for another year through December 31, 2010. Section 214 is currently authorized through December 31, 2009.

The section 214 program allows local governments to fund additional U.S. Army Corps of Engineers staff time to expedite the processing of permits for infrastructure and ecosystem restoration projects. Section 214 was enacted by Congress because the Corps of Engineers' permitting process had become cumbersome for both the Corps staff and applicants as the number of permit applications rose.

By funding additional specific staff to work on specific, time-intensive permits, existing Corps staff are able to process significant current backlogs more quickly. Funding for additional Corps staff has resulted in a reduction of permanent wait times not only for the funding entity, but also for any individual or organization seeking a permit. As a result, local governments are able to move forward with infrastructure and ecosystem restoration projects.

Section 214 is currently being used by over 41 public agencies in 20 separate Corps districts. The city of Seattle in my home State of Washington was the first public entity in the country to develop and use this facilitated permitting process. The city has used the section 214 program for 285 projects representing over $1.1 billion in capital investments. Seven years of using the program has resulted in an estimated cost savings of $10.6 million. The average review time per project has been reduced from over 808 days to an average of between 47–166 days.

In a region where we must balance the most difficult environmental issues in the country with the second-highest commerce and trade demands of any region in the country, section 214 has become key to overcoming permitting delays and other challenges.

The authority granted by section 214 by the WRDA 2000 has worked well in practice. This authority needs to be renewed so the additional staff can remain on the job without interruption. Therefore, I urge the House to pass H.R. 4165.

With that, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in qualified support of H.R. 4165, to authorize an extension of the Army Corps of Engineers' section 214 program. Section 214 of the Water Resources Development Act of 2000 allows the Army Corps of Engineers to accept and expand funds provided by non-Federal public entities to hire additional personnel to process regulatory permits.

Mr. Speaker, I say I offer qualified support for H.R. 4165 because while this legislation is needed, my colleague from Texas (Mr. OLSON) has offered a better piece of legislation. Mr. OLSON's legislation, H.R. 4162, will authorize a permanent extension of the program—not a 1-year temporary extension offered by H.R. 4165. The Congress has been forced to temporarily expand this program five times since it was authorized by the Water Resources Development Act in 2000, yet the Committee on Transportation and Infrastructure has heard from Members on both sides of the aisle supporting permanent extension of the 214 program.

I have heard no Member object to a permanent expansion of the section 214 program. The Corps of Engineers now has adequate experience in running the program, and recent Government Accountability Office observations concur with this assessment. Yet here we are again on the House floor moving a temporary extension of an excellent program.

Authority for this program expires on December 31 of this calendar year. If this program expires, the Corps will have to fire some regulatory personnel, reducing its ability to process permits in a timely manner.

I want to thank Representative OLSON and Representative LARSEN for their efforts on this issue. I urge all Members to vote in favor of H.R. 4165, but I do wish that we were passing a permanent, or at least a long-term, extension of the section 214 program today, not a temporary one.

I reserve the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield to the gentleman from Texas (Mr. OLSON) whatever time he might consume.

□ 1400

Mr. OLSON. Mr. Speaker, I thank my colleague from Arkansas, Congressman BOOZMAN, for yielding me time; and I rise today to express my disappointment that we are only considering a 1-year extension of the section 214 language.

Section 214 of the Water Resources Development Act of 2000 allows the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits through the Army Corps of Engineers. By funding additional staff to work on permanent evaluation, existing Corps staff are able to process significant backlogs more quickly. Hiring additional staff results in a reduction of permit waiting times not only for the local funding entity, but also for any individual or organization that makes an application with the Corps district.

In my district, the Harris County Flood Control District has used section 214 for the past 6 months to move forward with vital infrastructure and maintenance projects that have minimal environmental impact. According to a letter they sent my office, Harris County Flood Control District has ''already noticed a significant improvement in the length of time it is taking to receive our reviews and permits that are required to proceed to construction of our projects.''

In the past 9 years, section 214 has been extended five times. Two of these extensions were for less than 1 year. This program has been hamstrung by short-term extensions that discourage both Corps districts and local public entities from participating. And today, we again add to the uncertainty of this program by extending it for 1 additional year with no guarantee of continuing it past that.

I sponsored legislation that would make section 214 authority permanent and ensure non-Federal project sponsors have the ability to move forward with vital water resources infrastructure projects and maintenance more efficiently year after year.

My bill is ready for consideration; but, instead, we are considering another short-term extension.

I will reluctantly support this 1-year extension but hope that as we move forward with the debate on the Water Resources Development Act that we can have a serious conversation about making this provision permanent. Non-Federal project sponsors need to be able to count on the longevity of section 214 in order to make the most out of it.

Mr. LARSEN of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, in response to the gentleman from Texas, I do want to say I'm extremely sympathetic to his position, and I fully, in fact, agree with the request that we make section 214 permanent. And I, along with many others, have asked for that consideration within the context of the reauthorization of the Water Resources Development Act of 2010. I am hopeful we can

work in a bipartisan approach to work with the committee's leadership to make Mr. OLSON's, as well as many others who made the same request, to make that request a reality.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, again, I do support H.R. 4165 and urge my fellow Members to vote for the bill. I appreciate Mr. LARSEN. I know that he has worked hard on this in trying to bring the issue forward and provide a permanent fix.

My hope is that in the reauthorization of WRDA that we can all, as was mentioned, work in a very bipartisan way, because this is an entity that has worked very, very well. And I think all of us agree that it really is a success story. So hopefully we can work together, he and Mr. OLSON and our leadership on the committee, so that we can provide for a permanent fix of the program, a permanent authorization, and not have to go through this every year.

Mr. OBERSTAR. Mr. Speaker, I am pleased to support H.R. 4165, a bill to extend authority of the Secretary of the Army to accept funds from non-Federal public entities for the consideration of permits under the Clean Water Act and the Rivers and Harbor Act of 1899.

This language is modeled after language included in the Water Resources Development Act of 2007 that included a short-term extension of the U.S. Army Corps of Engineers, corps, section 214 permit review authority. That authority expires at the end of the current calendar year, and this legislation will continue the program through the end of December 2010.

I have been carefully monitoring the implementation of this authority. While this authority is very popular for the local public entities that have used it, we need to ensure that this authority does not affect the objectivity of the regulator.

In May 2007, the Government Accountability Office, GAO, issued a report, upon my request, which expressed concern with the overall implementation of the section 214 authority. This report recommended several improvements to increase the overall transparency and impartiality of corps' permit reviews conducted with outside funds.

Earlier this year, I requested GAO to reevaluate whether these recommendations had been implemented by the corps. In November, the staff of the Subcommittee on Water Resources and Environment received a briefing by GAO that suggested additional improvements to the program were still warranted.

As a track record of implementation develops, the Committee on Transportation and Infrastructure, committee, will have an opportunity to further review the implementation of this authority, and ensure that the corps' review of permit applications is a fair and equitable process.

The committee will further consider this issue next year during its development of the Water Resource Development Act. However, because that process will take place after the existing program authority expires, it is appropriate that we provide for an additional, short-term extension of the section 214 authority.

I urge my colleagues to join me in supporting H.R. 4165.

Mr. BOOZMAN. With that, I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I urge everyone to support H.R. 4165, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and pass the bill, H.R. 4165.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WATER RESOURCES DEVELOPMENT ACT OF 1992 AMENDMENT

Mr. LARSEN of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1854) to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BIG BEAR LAKE, CALIFORNIA

Section 219(f)(84) of the Water Resources Development Act of 1992 (121 Stat. 1259) is amended to read as follows:

''(84) BIG BEAR LAKE, CALIFORNIA.—$9,000,000 for water supply infrastructure improvements for Big Bear Lake, California.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. LARSEN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1854.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LARSEN of Washington. Mr. Speaker, I ask the House to consider H.R. 1854 to amend the Water Resources Development Act of 1992 to modify the environmental infrastructure project for Big Bear Lake, California. This bill provides technical corrections to the Big Bear Lake project, originally authorized in the Water Resources Development Act of 2007.

H.R. 1854 changes the authorized purpose of the Big Bear Lake project from wastewater treatment to water supply infrastructure. In addition, the authorized funding level is reduced by $6 million to a $9 million authorized funding level. We have no objections to this bill as introduced.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of H.R. 1854, amending the Water Resources Development Act of 1992 to modify a project in the vicinity of Big Bear, California.

The Water Resources Development Act of 2007 was enacted in November 2007. Included in the bill is a project that authorized assistance for the city of Big Bear, California. As authorized, the bill provided $15 million of assistance to the city to construct a wastewater treatment facility.

Since enactment, however, the city has decided against constructing the project and would instead use the authority to upgrade its water supply distribution system at a lower cost than originally authorized. The new cost of the project is $9 million.

This project is especially critical to this region of California which is typically subjected to catastrophic wildfires. Upgrades to the water supply in the vicinity of Big Bear would increase water pressure at peak demand periods and improve water quality.

It's not often that a Member of Congress asks us to cut authorized levels of funding for their congressional district. This bill is an act of good governance and truth-in-budgeting.

I want to thank Representative LEWIS for his leadership on this issue and urge all Members to vote in favor of H.R. 1854.

Mr. LEWIS of California. Madam Speaker, I rise in support of H.R. 1854.

This bill will revise a previously authorized project to allow the mountain community of Big Bear, which is located in the 41st Congressional District, to move forward with the Army Corps of Engineers to begin replacement of an aging water infrastructure. The bill reduces the authorized amount of the project by $3 million.

The city of Big Bear Lake currently distributes water through pipes that are over 70 years old and crumbling by the minute. This lack of integrity from the water infrastructure has led to declining water quality, massive water loss, and dangerously low flow levels that do not meet firefighting standards.

California is in the midst of a water crisis, and San Bernardino County has been granted Federal disaster status due to extreme drought conditions. In a misguided effort to protect fish, the Federal Government has shut off pumps for the California Aqueduct, further reducing water supplies for southern California communities. Under these severe conditions, we cannot overlook any opportunity to conserve what water we have. This bill will provide immediate and measurable conservation.

Equally dire, Big Bear is located within the San Bernardino National Forest. Because of lack of consistent management in the past, the San Bernardino National Forest has become a powder keg for wildfire. We have made some progress at reducing the threat through aggressive hazardous fuels removal, but the danger remains extreme. Replacing the water infrastructure will help protect the Big Bear community and provide the U.S. Forest Service with another vital weapon in the event of catastrophic wildfire.

As a side benefit, the increased pressure in the pipes will also drastically reduce the power consumption currently needed to pump water throughout the system. It has been a priority of this Congress to implement policies that conserve resources and I believe this bill is consistent with those goals.

I urge a "yes" vote of H.R. 1854.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 1854, offered by the gentleman from California (Mr. LEWIS), to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California. The Big Bear Lake project was originally authorized in Water Resources Development Act of 2007 for the purpose of wastewater treatment at a funding level of $15 million. This bill modifies the Big Bear Lake Project, reducing the authorized funding to $9 million and changing the project purpose to water supply infrastructure.

I urge my colleagues to join me in supporting H.R. 1854.

Mr. BOOZMAN. Mr. Speaker, having no further speakers, I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and pass the bill, H.R. 1854.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR SMITHSONIAN INSTITUTION TO CONSTRUCT A VEHICLE MAINTENANCE BUILDING

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3224) to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VEHICLE MAINTENANCE BUILDING, SUITLAND, MARYLAND.

(a) AUTHORITY TO PLAN, DESIGN, AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland.

(b) PURPOSE OF BUILDING.—The purpose of the building shall be to provide a facility to be used for housing, maintaining, and repairing vehicles and transportation equipment of the Smithsonian Institution.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $4,000,000 for fiscal year 2010.

The SPEAKER pro tempore (Mr. LARSEN of Washington). Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the consideration of H.R. 3224.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. Mr. Speaker, H.R. 3224 would authorize $4 million in fiscal year 2010 for the Smithsonian Institution to plan, design and construct a vehicle maintenance building at its facilities in Suitland, Maryland. Our committee ordered the bill reported unanimously.

The new building would absorb the vehicle maintenance functions for the entire Smithsonian complex in the Washington area. These are currently performed in a constricted and increasingly dysfunctional space at the General Services Building within the National Zoo in northwest Washington, D.C.

The vehicle maintenance functions, which cover the maintenance, repair and fueling of about 780 Smithsonian-owned vehicles and pieces of equipment, are not compatible with the surrounding environment at the zoo and would be better served at the Suitland facility, which has more space and is isolated from public access. The space being vacated at the zoo would be converted to other uses.

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The bill authorizes the planning, design and construction of this project, which would give the Committee on House Administration primary jurisdiction. The Committee on Transportation and Infrastructure, which has an additional referral, also reported this bill. The fiscal year 2010 Interior appropriations conference report, which has been enacted into law, contains the necessary funding for this bill, and I urge the approval of the legislation.

I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of this bill, which will provide for the construction of a vehicle maintenance branch at the National Zoo to benefit the zoo and larger Smithsonian Institution operations. The course of action prescribed by this bill is the result of a careful analysis of alternatives, which has demonstrated that the onsite construction of a vehicle maintenance facility would prove to be, roughly, 40 percent cheaper than developing an offsite facility. Additionally, this bill will provide for the better environmental stewardship in the operations of the National Zoo and of the Smithsonian Institution.

I want to thank Mr. BECERRA for bringing this forward. Accordingly, I request that my colleagues on this side of the aisle support this suspension.

Mr. Speaker, I just want to thank Mr. LUNGREN for his efforts on this measure, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. I would like to thank Mr. LUNGREN, too, for his cooperation on this and for hurrying over just a second or two late.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 3224, a bill to authorize the Board of Regents of the Smithsonian Institution to plan, design and construct a vehicle maintenance facility at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland.

Currently the bulk of the Smithsonian's vehicle maintenance is conducted from the National Zoo's General Services Building. The Vehicle Maintenance Branch is responsible for maintenance, repair, and fueling of more than 780 Smithsonian vehicles and pieces of equipment valued at over $17 million. However, the vehicle maintenance operations over the years have become incompatible with the other needs of the General Services Building. After researching the potential of leasing a facility, the Smithsonian Institution determined the most economical method of housing its fleet management and maintenance operations was to request authority to build a facility on government-owned property located in Suitland, Maryland.

Transferring the vehicle maintenance operations to a new site will increase the ability of the Smithsonian to use alternative fuels in its vehicles. The proposed site at Suitland currently has both a compressed natural gas fueling station and a gasoline fueling station. Furthermore, the Smithsonian plans to install E–85 and bio-diesel above-ground fuel tanks at the facility. The Zoo's General Services Building does not have the space available to accommodate these alternative fuel tanks.

I urge my colleagues to join me in supporting H.R. 3224.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3224.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FUNDING FOR CONTINUED TYPE 1 DIABETES RESEARCH

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 35) expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 35

Whereas as many as 3,000,000 Americans suffer from type 1 diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas more than 15,000 children each year are diagnosed with type 1 diabetes, a disease caused by an autoimmune attack that destroys the insulin-producing beta cells of the pancreas;

Whereas diabetes is one of the most costly chronic diseases, costing the United States economy more than $174,000,000,000 and costing individuals with diabetes an average of $13,000 in annual health care costs, compared to $2,600 for individuals without diabetes;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;

Whereas the National Institutes of Health has established 6 goal areas to guide type 1 diabetes research focused on the reduction, prevention, and cure of type 1 diabetes and its complications;

Whereas Federal funding has enabled research focused on determining the underlying genetic and environmental causes of diabetes and testing of promising new treatments to halt and reverse the autoimmune attack causing type 1 diabetes;

Whereas a cure for type 1 diabetes will require restoring beta cell function either by replacement with transplantation or by beta cell regeneration;

Whereas the development of a ''closed-loop'' artificial pancreas would greatly alleviate the daily burden of disease management for type 1 diabetes patients by continuously monitoring blood sugar levels, infusing insulin as necessary when blood glucose levels become too high, and warning patients when blood glucose levels become dangerously low;

Whereas continued progress toward a cure for type 1 diabetes depends on training the next generation of diabetes researchers;

Whereas a strong public-private partnership to fund type 1 diabetes exists between the Federal Government and the Juvenile Diabetes Research Foundation International, a foundation which has awarded more than $1,000,000,000 for diabetes research since its founding and in fiscal year 2008 provided more than $156,000,000 for diabetes research in 20 countries;

Whereas Congress has provided $150,000,000 annually through fiscal year 2011 for the Special Statutory Funding Program for type 1 Diabetes Research;

Whereas the National Institutes of Health devoted a total of $433,000,000 in fiscal year 2009 for type 1 diabetes research; and

Whereas leading type 1 diabetes researchers have recommended a total funding level of $4,100,000,000 for fiscal years 2009 through 2013 in order to meet the National Institutes of Health's type 1 research goals: Now, therefore, be it

Resolved, That Federal funding for diabetes research should be increased to meet the National Institutes of Health's goals so that a cure for type 1 diabetes can be found.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 35, expressing the sense of the House that Congress should provide increased Federal research funding for type 1 diabetes. Diabetes is one of the most prevalent and costly chronic conditions in the United States today.

According to the Centers for Disease Control and Prevention, nearly 24 million Americans—that's roughly 8 percent of the United States population—have diabetes. Direct and indirect costs of diabetes totaled $174 billion in 2007, $120 billion of which were direct medical costs attributable to diabetes.

Three million Americans have type 1 diabetes, which results when the body's immune system destroys insulin-producing cells in the pancreas that regulate blood glucose levels. Individuals with type 1 diabetes depend on insulin, but even with adherence to insulin treatment, individuals with type 1 diabetes are still very vulnerable to the many complications that this disease offers, which are blindness, kidney failure, and amputation.

As a school nurse, I became intimately aware of the challenges faced by children with type 1 diabetes and of the impact it has on their families and on their classmates as well. During the years I cared for those students, we discussed the potential for a cure by now. Unfortunately, we still have a ways to go.

The Federal funding of diabetes research has resulted in tremendous advancements for our understanding and our treatment of the disease. We have successfully determined underlying genetic and environmental causes of diabetes, and we are testing and promising new treatments, but there is still much more work to be done.

The National Institutes of Health devoted $433 million in fiscal year 2009 for type 1 diabetes research. This resolution calls for a doubling of annual NIH funding to meet leading researchers' estimates of the funding needed to accomplish NIH's six goals related to type 1 diabetes.

Mr. Speaker, I am pleased to join my colleagues in calling for the passage of this resolution and of increased research funding to find a cure for type 1 diabetes. I want to thank my colleague on the Energy and Commerce Committee, Congressman GENE GREEN, for his leadership on this important issue.

I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, as a member of the Diabetes Caucus and throughout most of the 1990s, I was a member of our regional diabetes board for the ADA. In fact, I call myself a perpetual vice chairman of our region. So it is with great pride that I am here in support and that I encourage my colleagues to support H. Res. 35.

I want to recognize the 23.6 million Americans who suffer from diabetes. Diabetes can lead to serious complications and premature death, but people with diabetes can take steps to control the disease and to lower their risks of complications.

The Centers for Disease Control has stated that the progression of diabetes among those with prediabetes is not inevitable, and studies have shown that people with prediabetes who lose weight and who increase their physical activity can prevent or delay diabetes and can return their blood pressure to near normal. Through regular exercise and a steady diet, Americans can return to a healthier state of living and can avoid diabetes.

Because diabetes affects individuals in different ways, it is important that we educate our communities about the causes and about effective ways to avoid diabetes through living a healthy lifestyle. Additionally, we must continue to research the causes, treatment, education, and eventual cure for diabetes through public and private partnerships.

I do believe that the 1,000-page health reform bill, which was rushed through the House of Representatives by the other side of the aisle to establish a government takeover of health care, will negatively impact those with diabetes and will severely curtail our ability to find a cure. I fail to see how a massive government takeover of our health care system and how the creation of scores of new bureaucracies will revitalize our economy or will give Americans better care.

Instead, the House Tri-Committee bill would ration health care like it is done in the U.K. and Canada. This rationing of health care will not be better for the patients. It will lead to many diabetics in need of dialysis and care who will be turned away or who will have longer wait times when they need access to physicians.

In addition to nearly a $1 trillion health reform bill which was pushed on the American public, the recent stimulus legislation provided an extra $10 billion of funding to the NIH for the advancement of scientific research. Unfortunately, long-held processes on the length and structure of trials have been ignored in order to spend the funds as quickly as possible and in as many Congressional districts as possible.

Instead of rushing to spend billions of dollars for a political photo op, it would have been more responsible, both scientifically and fiscally, to continue to have the NIH determine what trials' processes deserve the most merit. If we hadn't rushed to spend in the name of ''stimulus,'' I believe that some of the $10 billion could have been used for research into type 1 diabetes.

I want to see Americans recognizing the significance of monitoring their

own and members of their families' health in getting the proper and timely treatment for diabetes. I would also like to see, through public-private partnerships, a continued commitment to diabetes research so that, one day, we may have a cure.

I would like to thank the sponsor of this bill, Representative GENE GREEN from Texas, for his work on this resolution. I stand, once again, in support of this legislation, and I hope my colleagues will join me.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I wish to respond to my friend and colleague from Nebraska by reminding us all that, with the health care and insurance reform legislation that has been proposed, one of the effects would be that more Americans would have access to preventative and primary care, which would, hopefully, mitigate the onset of diabetes and its effects on Americans.

Now it is my great pleasure to yield as much time as he may consume to my colleague from Texas, GENE GREEN. He is the resolution sponsor.

Mr. GENE GREEN of Texas. I would like to thank the vice Chair of the Energy and Commerce Committee for yielding to me.

Mr. Speaker, this resolution discusses type 1 diabetes, which is typically the early onset of juvenile diabetes in some of us, but it does sometimes affect older children. Type 1 diabetes is a chronic, genetically determined, and debilitating disease caused by an autoimmune attack that destroys the insulin-producing beta cells of the pancreas, and it affects every organ system. As many as 3 million Americans suffer from type 1 diabetes, with more than 15,000 children being diagnosed with the disease annually.

Diabetes is one of the most costly chronic diseases, costing the United States economy more than $174 billion annually in direct and indirect health care costs. On average, individuals with diabetes pay $13,000 in annual health care costs compared to $2,600 for individuals without diabetes.

Insulin treats but does not cure this potentially deadly disease nor does it prevent the complications of diabetes, which include blindness, heart attacks, kidney failure, strokes, nerve damage, and amputations. Diabetes is also the leading cause of legal blindness in working-age adults, and nearly all of type 1 diabetes patients exhibit some degree of eye disease after living with diabetes for 15 to 20 years.

A special diabetes program was created that provides significant support to the Diabetic Retinopathy Clinical Research Network, which is a nationwide network involving 163 clinical sites in 43 States, in order to address the number of individuals diagnosed with type 1 diabetes and to find a cure.

The National Institutes of Health has established six goal areas to guide type 1 diabetes research, which are focused on the reduction, prevention, and cure of type 1 diabetes and its complications. The National Institutes of Health devoted $433 million in fiscal year 2009 for type 1 diabetes research. Congress currently provides $150 million annually, through fiscal year 2011, for the Special Statutory Funding Program for type 1 diabetes research. Promising advances have been made in determining root causes of the disease, and finding a cure will depend on funded research initiatives and on training the next generation of diabetes researchers.

Congress can do more to advance the research on type 1 diabetes. This resolution calls for the doubling of annual NIH funding to meet leading researchers' estimates of funding needed to meet NIH's six goals related to type 1 diabetes.

I am pleased to sponsor this resolution with the 101 other Members who are calling for research funding to find a cure for type 1 diabetes. I want to thank all of my cosponsors, including both of my colleagues—the vice Chair of the Energy and Commerce Committee, Congresswoman CAPPS; and also Congressman TERRY from Nebraska, who is also, like I said, a cosponsor of the resolution.

Hopefully, our national health care plan will actually help those who have either type 1 diabetes or type 2 diabetes to make sure they can go see physicians when they need to.

□ 1430

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, as I mentioned, from my activities in the Diabetes Caucus, I have learned that, as I stated in the main statement, that education, nutrition, and exercise leads to prevention of much of type 1 and type 2. Today is the sixth anniversary of the Medicare and Medicaid Reform Act that was passed in 2003 on a nearly partisan vote. It was then that we recognized that the Republicans, who authored that bill, supported that bill and that actually this is the first time that Medicare would pay for education, nutrition counseling.

I thought it was very odd that under Medicare for a diabetic, that Medicare would pay for an amputation or kidney dialysis, but it wouldn't pay $150 to prevent those from happening by way of education, diabetic education classes, which included nutrition and exercise and such. We have come a long way in recognizing prevention.

Certainly we don't need the government, through its history of not wanting to cover preventive care—I think we could do a better job within the private side or free enterprise side. We don't need government running health care to make sure that people that are in need of diabetes education, nutrition, a dietician, exercise, counseling, could receive that.

I again want to thank GENE GREEN for bringing this much-needed resolution. Once again, I rise in support of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Resolution 35 to express the sense of the House of Representatives that Congress should provide increased federal funding for continued type 1 diabetes research.

This legislation is particularly timely as roughly 3 million people suffer from type 1 diabetes across the country. It is important for us to move forward in the fight against this disease and increase funding for research that aims to prevent and treat diabetes. It is estimated that over $4 billion will be necessary to fund the National Institute of Health's research goals for type 1 diabetes through 2013, and as this disease continues to affect millions of people across America, it is imperative that we fund research at increased levels to see its end.

I would also like to mention one of the efforts that we are undertaking in North Texas to help combat diabetes. Recently the Baylor Health Care System announced that it would be transforming the Juanita J. Craft Recreation Center in south Dallas to the area's first and only diabetes health and wellness institute. This center will help to save lives by offering improved diabetes care, educational programs, and conducting research in addition to encouraging healthy lifestyles for those living with the disease. The center will also educate the community on preventative measures for type 2 diabetes so that a preventative lifestyle becomes a natural and normal part of everyday life in this neighborhood. It is my hope that increased funding for diabetes research will encourage similar centers to be created across the country.

Mr. Speaker, I encourage my fellow colleagues to join me in supporting this important resolution so that we recognize the need for diabetes research funding and help countless people across the country living with the disease.

Mr. TERRY. I have no further speakers, and I yield back the balance of my time.

Mrs. CAPPS. I have no remaining speakers on this side, and I also urge our colleagues to support this resolution.

I yield back the balance of our time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 35.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CAPPS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL PRADER-WILLI SYNDROME AWARENESS MONTH

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 55) expressing support

for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 55

Whereas Prader-Willi syndrome is a complex genetic disorder that occurs in approximately 1 out of every 15,000 births, and is the most commonly known genetic cause of life-threatening obesity;

Whereas Prader-Willi syndrome affects males and females with equal frequency and affects all races and ethnicities;

Whereas Prader-Willi syndrome causes an extreme and insatiable appetite, often resulting in morbid obesity, which is the major cause of death for individuals with the syndrome;

Whereas Prader-Willi syndrome also causes cognitive and learning disabilities, and behavioral difficulties, such as obsessive-compulsive disorder and difficulty controlling emotions;

Whereas the hunger, metabolic, and behavioral characteristics of Prader-Willi syndrome force affected individuals to require constant and lifelong supervision in a controlled environment;

Whereas studies have shown that there is a high morbidity and mortality rate for individuals with Prader-Willi syndrome;

Whereas there is no known cure for Prader-Willi syndrome;

Whereas early diagnosis of Prader-Willi syndrome allows families to access treatment, intervention services, and support from health professionals, advocacy organizations, and other families who are dealing with the syndrome;

Whereas recently discovered treatments, such as human growth hormone, are improving the quality of life for individuals with the syndrome and offer new hope to families, but many difficult symptoms associated with Prader-Willi syndrome remain untreated;

Whereas increased research into Prader-Willi syndrome can lead to a better understanding of the disorder, more effective treatments, and an eventual cure for Prader-Willi syndrome;

Whereas increased research into Prader-Willi syndrome is likely to improve our understanding of common public health concerns, including childhood obesity and mental health; and

Whereas advocacy organizations have designated May as Prader-Willi Syndrome Awareness Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports raising awareness and educating the public about Prader-Willi syndrome;

(2) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by Prader-Willi syndrome;

(3) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and eventual cure for Prader-Willi syndrome;

(4) supports increased funding for research into the causes, treatment, and cure for Prader-Willi syndrome; and

(5) expresses support for the designation of a National Prader-Willi Syndrome Awareness Month.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 55. This resolution supports raising awareness and educating the public about Prader-Willi syndrome and expresses the support for designating National Prader-Willi Syndrome Awareness Month.

Prader-Willi syndrome is a genetic disorder that occurs in approximately 1 in every 15,000 births. Individuals with this syndrome have lower metabolic rates and lack normal hunger and satiety cues. The combination of these factors results in morbid obesity and associated complications if gone untreated.

Individuals with Prader-Willi syndrome are also affected by nonobesity-related conditions such as cognitive and learning disabilities and some behavioral difficulties. The link between Prader-Willi syndrome and obesity is one that cannot be ignored. Obesity is one of the fastest-growing public health challenges in the United States.

The Centers for Disease Control and Prevention estimates that 16 percent of American children and one-third of American adults are obese. That's an astounding fact.

A recently released report supported by the United Health Foundation, the American Public Health Association, and the Partnership for Prevention concluded that, if current trends continue, over 100 million American adults will be obese by 2018. This would translate to over $300 billion of health care costs attributable to obesity if the rates continue to increase at current trends.

As my colleagues are aware, obesity is a complex health issue. Behavioral, environmental, and genetic factors also contribute to this epidemic. Most often we talk about eating a healthy diet and exercising. In recent months, I am proud of how we have prioritized investments in community-level prevention and wellness activities.

Interventions in schools, workplaces, and other settings are essential to reinforce and facilitate individual efforts to maintain a healthy weight. The resolution we are considering today presents us with an opportunity to focus on how genes affect obesity.

I am pleased to join my colleagues in drawing attention to the Prader-Willi syndrome. I urge passage this resolution.

I want to thank my colleagues from California, Congressman ROYCE and Congresswoman HARMAN, for their leadership on this issue.

I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 55 and encourage the designation of National Prader-Willi Syndrome Awareness Month.

Prader-Willi syndrome is a complex genetic disorder that can cause life-threatening symptoms such as an extreme and insatiable appetite. Often resulting in morbid obesity, Prader-Willi syndrome occurs in males and females equally and in all races. Estimates of the prevalence of Prader-Willi syndrome vary, with the most likely figure being 1 out of every 15,000 children.

Children with PWS have sweet and loving personalities, but they are also characterized by weight-control issues and motor development delays, along with some behavior problems and unique medical issues. PWS typically causes low muscle tone, short stature if not treated with growth hormone, incomplete sexual development, and a chronic feeling of hunger that, coupled with a metabolism that utilizes drastically fewer calories than normal, can lead to excessive eating and life-threatening obesity. The food compulsion requires constant supervision on the part of the family members, along with regular attention to many of the other difficult symptoms.

It is the commitment of researchers and health professionals that has led to effective treatments and, hopefully, an eventual cure for the families afflicted by this disorder.

I would like to thank Representative ROYCE from California for his commitment to raising awareness about Prader-Willi syndrome. I encourage all of my colleagues to vote for this resolution.

At this time, I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of House Resolution 55, authored by myself and my colleague from the State of California, Congresswoman JANE HARMAN.

This resolution calls for the establishment of a National Prader-Willi Syndrome Awareness Month, and it encourages continued Federal research of this syndrome. Now, this syndrome is recognized as a common genetic cause of childhood obesity, and for too many children, it is an affliction which causes them not even to be able to reach their teens. Many of them don't reach their 20th birthday as a result of this malady.

Mr. Speaker, 7½ years ago I was in the position of most Members of this House and most Americans in that I had never heard of Prader-Willi syndrome. Then a little girl named Abby Porter was born. I can still remember

that day and the phone call that came telling me that Abby had arrived but that something was wrong. Abby was sleeping almost 24 hours a day, was unable to eat on her own, and had almost no muscle tone at all.

Thanks to the persistence and strong will of Abby's parents, she was sent to Children's Hospital in Denver where she underwent extensive testing. At 2 weeks of age we all learned that Abby had a genetic disorder called Prader-Willi syndrome.

Many of you are now asking what I asked on that day of the phone call. What is Prader-Willi syndrome? In short, it is a complex condition characterized by morbid obesity, by insatiable appetite, by poor muscle tone and failure to thrive during infancy, among many other maladies. Twenty years ago a child with Prader-Willi syndrome was likely to die of morbid obesity before they reached adulthood. Most of these children were either never diagnosed or diagnosed later in life when treatment was far less effective.

Abby Porter is actually one of the lucky ones, as she received a very early diagnosis. As a result of this early diagnosis she was able to begin human growth hormone treatments at the age of 3 months. A relatively new treatment for Prader-Willi at the time of her birth, growth hormone enabled Abby to begin building the muscle tone she needed to eat, to hold up her head, to sit up, crawl, and finally to walk. As a result she was able to reach all of her developmental milestones at roughly the appropriate times. She was also able to develop cognitively at a more normal rate than she would have without this treatment.

Abby and I want every child with Prader-Willi syndrome to have this same opportunity. We want to increase awareness of this genetic disorder among health care providers and pediatricians and parents and teachers and communities. We want children to get diagnosed early so that they can begin immediate treatment.

We want parents to be able to find out the information that they need to make decisions about the treatment and development of their children. We want teachers to understand the cognitive and emotional struggles that come with Prader-Willi and that must be dealt with in order for these children to learn.

We want neighbors and community members to learn about this syndrome so that they will understand the actions and behavior of some of the children with Prader-Willi; thus, they will not reject them outright and will instead teach their own children about the acceptance of differences.

Abby and I want these families with Prader-Willi children to know that the families are not alone in this fight to search for cures and treatments that will improve the future of their children.

For that reason, we are both proud today to see this House call for a National Prader-Willi Syndrome Awareness Month and to express support for further research in this disorder.

I want to again thank my colleague, Congresswoman JANE HARMAN from California, for her support and efforts on behalf of this resolution. I urge all my colleagues to support this bill.

Mrs. CAPPS. I am pleased now to yield whatever time she may consume to my colleague and friend from California, JANE HARMAN.

Ms. HARMAN. Let me first commend Mrs. CAPPS, who, as a registered nurse, has brought so much understanding and depth to our ongoing negotiations on health care in the Energy and Commerce Committee.

Second, let me commend a good friend and frequent partner, Mr. ROYCE, whose focus on this issue and personal compassion on behalf of his friend, Abby, and enormously caring staff, have brought this issue to my attention.

It resonates in my California congressional district, where there is an incredible community of activists who are committed to increasing awareness and supporting research on Prader-Willi syndrome. Two of those activists, Tom and Renay Compere, are parents of a child with PWS. They have brought other Prader-Willi families together with groups of students, teachers, and other members of the community to spread awareness and raise funds to combat this devastating disease.

Tom Compere says, ''The thing that has kept us going over the years has been the optimism that a cure for PWS will be found and that our son will have a normal life. What a concept. A normal life was something, until recently, that I took for granted.''

That's the goal of this resolution. By increasing awareness and promoting research at the national level, we can give the Compere family and thousands of families like them a chance to lead a normal life.

Two years ago, Mr. Speaker, I attended the annual walkathon for Prader-Willi research in Mar Vista, a wonderful community in my district. The warmth and excitement of the children I met there was touching, especially in the face of the challenges they face on a daily basis.

Prader-Willi patients suffer, as you have heard, from cognitive disabilities, poor muscle tone, and constant feelings of hunger. They often look different from other children, which makes it difficult to fit in or be accepted as a normal kid. Some cutting-edge treatments, like the ones Abby received, can improve the physical development of children with Prader-Willi so they can fit in, but this is contingent on early diagnosis and treatment, and that often doesn't happen.

By passing H. Res. 55 and raising the profile of this disease, this House can give these children better odds at doing something most of us take for granted: Living a normal life.

I urge passage of the resolution and again commend my friends from California for their role.

Mr. TERRY. We have no further speakers and, therefore, encourage the passage of this resolution.

I yield back the balance of my time.

Mrs. CAPPS. I wish to commend the personal commitment of our colleagues from California, Congressman ROYCE and Congresswoman JANE HARMAN, and I urge support for this resolution.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 55.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. CAPPS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1445

DATA ACCOUNTABILITY AND TRUST ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2221) to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Data Accountability and Trust Act''.

SEC. 2. REQUIREMENTS FOR INFORMATION SECURITY.

(a) GENERAL SECURITY POLICIES AND PROCEDURES.—

(1) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to require each person engaged in interstate commerce that owns or possesses data containing personal information, or contracts to have any third party entity maintain such data for such person, to establish and implement policies and procedures regarding information security practices for the treatment and protection of personal information taking into consideration—

(A) the size of, and the nature, scope, and complexity of the activities engaged in by, such person;

(B) the current state of the art in administrative, technical, and physical safeguards for protecting such information; and

(C) the cost of implementing such safeguards.

(2) REQUIREMENTS.—Such regulations shall require the policies and procedures to include the following:

(A) A security policy with respect to the collection, use, sale, other dissemination, and maintenance of such personal information.

(B) The identification of an officer or other individual as the point of contact with responsibility for the management of information security.

(C) A process for identifying and assessing any reasonably foreseeable vulnerabilities in the system or systems maintained by such person that contains such data, which shall include regular monitoring for a breach of security of such system or systems.

(D) A process for taking preventive and corrective action to mitigate against any vulnerabilities identified in the process required by subparagraph (C), which may include implementing any changes to security practices and the architecture, installation, or implementation of network or operating software.

(E) A process for disposing of data in electronic form containing personal information by shredding, permanently erasing, or otherwise modifying the personal information contained in such data to make such personal information permanently unreadable or undecipherable.

(F) A standard method or methods for the destruction of paper documents and other non-electronic data containing personal information.

(3) TREATMENT OF ENTITIES GOVERNED BY OTHER LAW.—Any person who is in compliance with any other Federal law that requires such person to maintain standards and safeguards for information security and protection of personal information that, taken as a whole and as the Commission shall determine in the rulemaking required under paragraph (1), provide protections substantially similar to, or greater than, those required under this subsection, shall be deemed to be in compliance with this subsection.

(b) SPECIAL REQUIREMENTS FOR INFORMATION BROKERS.—

(1) SUBMISSION OF POLICIES TO THE FTC.—The regulations promulgated under subsection (a) shall require each information broker to submit its security policies to the Commission in conjunction with a notification of a breach of security under section 3 or upon request of the Commission.

(2) POST-BREACH AUDIT.—For any information broker required to provide notification under section 3, the Commission may conduct audits of the information security practices of such information broker, or require the information broker to conduct independent audits of such practices (by an independent auditor who has not audited such information broker's security practices during the preceding 5 years).

(3) ACCURACY OF AND INDIVIDUAL ACCESS TO PERSONAL INFORMATION.—

(A) ACCURACY.—

(i) IN GENERAL.—Each information broker shall establish reasonable procedures to assure the maximum possible accuracy of the personal information it collects, assembles, or maintains, and any other information it collects, assembles, or maintains that specifically identifies an individual, other than information which merely identifies an individual's name or address.

(ii) LIMITED EXCEPTION FOR FRAUD DATABASES.—The requirement in clause (i) shall not prevent the collection or maintenance of information that may be inaccurate with respect to a particular individual when that information is being collected or maintained solely—

(I) for the purpose of indicating whether there may be a discrepancy or irregularity in the personal information that is associated with an individual; and

(II) to help identify, or authenticate the identity of, an individual, or to protect against or investigate fraud or other unlawful conduct.

(B) CONSUMER ACCESS TO INFORMATION.—

(i) ACCESS.—Each information broker shall—

(I) provide to each individual whose personal information it maintains, at the individual's request at least 1 time per year and at no cost to the individual, and after verifying the identity of such individual, a means for the individual to review any personal information regarding such individual maintained by the information broker and any other information maintained by the information broker that specifically identifies such individual, other than information which merely identifies an individual's name or address; and

(II) place a conspicuous notice on its Internet website (if the information broker maintains such a website) instructing individuals how to request access to the information required to be provided under subclause (I), and, as applicable, how to express a preference with respect to the use of personal information for marketing purposes under clause (iii).

(ii) DISPUTED INFORMATION.—Whenever an individual whose information the information broker maintains makes a written request disputing the accuracy of any such information, the information broker, after verifying the identity of the individual making such request and unless there are reasonable grounds to believe such request is frivolous or irrelevant, shall—

(I) correct any inaccuracy; or

(II)(aa) in the case of information that is public record information, inform the individual of the source of the information, and, if reasonably available, where a request for correction may be directed and, if the individual provides proof that the public record has been corrected or that the information broker was reporting the information incorrectly, correct the inaccuracy in the information broker's records; or

(bb) in the case of information that is nonpublic information, note the information that is disputed, including the individual's statement disputing such information, and take reasonable steps to independently verify such information under the procedures outlined in subparagraph (A) if such information can be independently verified.

(iii) ALTERNATIVE PROCEDURE FOR CERTAIN MARKETING INFORMATION.—In accordance with regulations issued under clause (v), an information broker that maintains any information described in clause (i) which is used, shared, or sold by such information broker for marketing purposes, may, in lieu of complying with the access and dispute requirements set forth in clauses (i) and (ii), provide each individual whose information it maintains with a reasonable means of expressing a preference not to have his or her information used for such purposes. If the individual expresses such a preference, the information broker may not use, share, or sell the individual's information for marketing purposes.

(iv) LIMITATIONS.—An information broker may limit the access to information required under subparagraph (B)(i)(I) and is not required to provide notice to individuals as required under subparagraph (B)(i)(II) in the following circumstances:

(I) If access of the individual to the information is limited by law or legally recognized privilege.

(II) If the information is used for a legitimate governmental or fraud prevention purpose that would be compromised by such access.

(III) If the information consists of a published media record, unless that record has been included in a report about an individual shared with a third party.

(v) RULEMAKING.—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to carry out this paragraph and to facilitate the purposes of this Act. In addition, the Commission shall issue regulations, as necessary, under section 553 of title 5, United States Code, on the scope of the application of the limitations in clause (iv), including any additional circumstances in which an information broker may limit access to information under such clause that the Commission determines to be appropriate.

(C) FCRA REGULATED PERSONS.—Any information broker who is engaged in activities subject to the Fair Credit Reporting Act and who is in compliance with sections 609, 610, and 611 of such Act with respect to information subject to such Act, shall be deemed to be in compliance with this paragraph with respect to such information.

(4) REQUIREMENT OF AUDIT LOG OF ACCESSED AND TRANSMITTED INFORMATION.—Not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate regulations under section 553 of title 5, United States Code, to require information brokers to establish measures which facilitate the auditing or retracing of any internal or external access to, or transmissions of, any data containing personal information collected, assembled, or maintained by such information broker.

(5) PROHIBITION ON PRETEXTING BY INFORMATION BROKERS.—

(A) PROHIBITION ON OBTAINING PERSONAL INFORMATION BY FALSE PRETENSES.—It shall be unlawful for an information broker to obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, personal information or any other information relating to any person by—

(i) making a false, fictitious, or fraudulent statement or representation to any person; or

(ii) providing any document or other information to any person that the information broker knows or should know to be forged, counterfeit, lost, stolen, or fraudulently obtained, or to contain a false, fictitious, or fraudulent statement or representation.

(B) PROHIBITION ON SOLICITATION TO OBTAIN PERSONAL INFORMATION UNDER FALSE PRETENSES.—It shall be unlawful for an information broker to request a person to obtain personal information or any other information relating to any other person, if the information broker knew or should have known that the person to whom such a request is made will obtain or attempt to obtain such information in the manner described in subparagraph (A).

(c) EXEMPTION FOR CERTAIN SERVICE PROVIDERS.—Nothing in this section shall apply to a service provider for any electronic communication by a third party that is transmitted, routed, or stored in intermediate or transient storage by such service provider.

SEC. 3. NOTIFICATION OF INFORMATION SECURITY BREACH.

(a) NATIONWIDE NOTIFICATION.—Any person engaged in interstate commerce that owns or possesses data in electronic form containing personal information shall, following the discovery of a breach of security of the system

maintained by such person that contains such data—

(1) notify each individual who is a citizen or resident of the United States whose personal information was acquired or accessed as a result of such a breach of security; and

(2) notify the Commission.

(b) SPECIAL NOTIFICATION REQUIREMENTS.—

(1) THIRD PARTY AGENTS.—In the event of a breach of security by any third party entity that has been contracted to maintain or process data in electronic form containing personal information on behalf of any other person who owns or possesses such data, such third party entity shall be required to notify such person of the breach of security. Upon receiving such notification from such third party, such person shall provide the notification required under subsection (a).

(2) SERVICE PROVIDERS.—If a service provider becomes aware of a breach of security of data in electronic form containing personal information that is owned or possessed by another person that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of such data, such service provider shall be required to notify of such a breach of security only the person who initiated such connection, transmission, routing, or storage if such person can be reasonably identified. Upon receiving such notification from a service provider, such person shall provide the notification required under subsection (a).

(3) COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.—If a person is required to provide notification to more than 5,000 individuals under subsection (a)(1), the person shall also notify the major credit reporting agencies that compile and maintain files on consumers on a nationwide basis, of the timing and distribution of the notices. Such notice shall be given to the credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—Unless subject to a delay authorized under paragraph (2), a notification required under subsection (a) shall be made not later than 60 days following the discovery of a breach of security, unless the person providing notice can show that providing notice within such a time frame is not feasible due to extraordinary circumstances necessary to prevent further breach or unauthorized disclosures, and reasonably restore the integrity of the data system, in which case such notification shall be made as promptly as possible.

(2) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT OR NATIONAL SECURITY PURPOSES.—

(A) LAW ENFORCEMENT.—If a Federal, State, or local law enforcement agency determines that the notification required under this section would impede a civil or criminal investigation, such notification shall be delayed upon the written request of the law enforcement agency for 30 days or such lesser period of time which the law enforcement agency determines is reasonably necessary and requests in writing. A law enforcement agency may, by a subsequent written request, revoke such delay or extend the period of time set forth in the original request made under this paragraph if further delay is necessary.

(B) NATIONAL SECURITY.—If a Federal national security agency or homeland security agency determines that the notification required under this section would threaten national or homeland security, such notification may be delayed for a period of time which the national security agency or homeland security agency determines is reasonably necessary and requests in writing. A Federal national security agency or homeland security agency may revoke such delay or extend the period of time set forth in the original request made under this paragraph by a subsequent written request if further delay is necessary.

(d) METHOD AND CONTENT OF NOTIFICATION.—

(1) DIRECT NOTIFICATION.—

(A) METHOD OF NOTIFICATION.—A person required to provide notification to individuals under subsection (a)(1) shall be in compliance with such requirement if the person provides conspicuous and clearly identified notification by one of the following methods (provided the selected method can reasonably be expected to reach the intended individual):

(i) Written notification.

(ii) Notification by email or other electronic means, if—

(I) the person's primary method of communication with the individual is by email or such other electronic means; or

(II) the individual has consented to receive such notification and the notification is provided in a manner that is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global Commerce Act (15 U.S.C. 7001).

(B) CONTENT OF NOTIFICATION.—Regardless of the method by which notification is provided to an individual under subparagraph (A), such notification shall include—

(i) a description of the personal information that was acquired or accessed by an unauthorized person;

(ii) a telephone number that the individual may use, at no cost to such individual, to contact the person to inquire about the breach of security or the information the person maintained about that individual;

(iii) notice that the individual is entitled to receive, at no cost to such individual, consumer credit reports on a quarterly basis for a period of 2 years, or credit monitoring or other service that enables consumers to detect the misuse of their personal information for a period of 2 years, and instructions to the individual on requesting such reports or service from the person, except when the only information which has been the subject of the security breach is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code;

(iv) the toll-free contact telephone numbers and addresses for the major credit reporting agencies; and

(v) a toll-free telephone number and Internet website address for the Commission whereby the individual may obtain information regarding identity theft.

(2) SUBSTITUTE NOTIFICATION.—

(A) CIRCUMSTANCES GIVING RISE TO SUBSTITUTE NOTIFICATION.—A person required to provide notification to individuals under subsection (a)(1) may provide substitute notification in lieu of the direct notification required by paragraph (1) if the person owns or possesses data in electronic form containing personal information of fewer than 1,000 individuals and such direct notification is not feasible due to—

(i) excessive cost to the person required to provide such notification relative to the resources of such person, as determined in accordance with the regulations issued by the Commission under paragraph (3)(A); or

(ii) lack of sufficient contact information for the individual required to be notified.

(B) FORM OF SUBSTITUTE NOTIFICATION.—Such substitute notification shall include—

(i) email notification to the extent that the person has email addresses of individuals to whom it is required to provide notification under subsection (a)(1);

(ii) a conspicuous notice on the Internet website of the person (if such person maintains such a website); and

(iii) notification in print and to broadcast media, including major media in metropolitan and rural areas where the individuals whose personal information was acquired reside.

(C) CONTENT OF SUBSTITUTE NOTICE.—Each form of substitute notice under this paragraph shall include—

(i) notice that individuals whose personal information is included in the breach of security are entitled to receive, at no cost to the individuals, consumer credit reports on a quarterly basis for a period of 2 years, or credit monitoring or other service that enables consumers to detect the misuse of their personal information for a period of 2 years, and instructions on requesting such reports or service from the person, except when the only information which has been the subject of the security breach is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code; and

(ii) a telephone number by which an individual can, at no cost to such individual, learn whether that individual's personal information is included in the breach of security.

(3) REGULATIONS AND GUIDANCE.—

(A) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall, by regulation under section 553 of title 5, United States Code, establish criteria for determining circumstances under which substitute notification may be provided under paragraph (2), including criteria for determining if notification under paragraph (1) is not feasible due to excessive costs to the person required to provided such notification relative to the resources of such person. Such regulations may also identify other circumstances where substitute notification would be appropriate for any person, including circumstances under which the cost of providing notification exceeds the benefits to consumers.

(B) GUIDANCE.—In addition, the Commission shall provide and publish general guidance with respect to compliance with this subsection. Such guidance shall include—

(i) a description of written or email notification that complies with the requirements of paragraph (1); and

(ii) guidance on the content of substitute notification under paragraph (2), including the extent of notification to print and broadcast media that complies with the requirements of such paragraph.

(e) OTHER OBLIGATIONS FOLLOWING BREACH.—

(1) IN GENERAL.—A person required to provide notification under subsection (a) shall, upon request of an individual whose personal information was included in the breach of security, provide or arrange for the provision of, to each such individual and at no cost to such individual—

(A) consumer credit reports from at least one of the major credit reporting agencies beginning not later than 60 days following the individual's request and continuing on a quarterly basis for a period of 2 years thereafter; or

(B) a credit monitoring or other service that enables consumers to detect the misuse of their personal information, beginning not later than 60 days following the individual's request and continuing for a period of 2 years.

(2) LIMITATION.—This subsection shall not apply if the only personal information which has been the subject of the security breach is the individual's first name or initial and last name, or address, or phone number, in combination with a credit or debit card number, and any required security code.

(3) RULEMAKING.—As part of the Commission's rulemaking described in subsection (d)(3), the Commission shall determine the circumstances under which a person required to provide notification under subsection (a)(1) shall provide or arrange for the provision of free consumer credit reports or credit monitoring or other service to affected individuals.

(f) EXEMPTION.—

(1) GENERAL EXEMPTION.—A person shall be exempt from the requirements under this section if, following a breach of security, such person determines that there is no reasonable risk of identity theft, fraud, or other unlawful conduct.

(2) PRESUMPTION.—

(A) IN GENERAL.—If the data in electronic form containing personal information is rendered unusable, unreadable, or indecipherable through encryption or other security technology or methodology (if the method of encryption or such other technology or methodology is generally accepted by experts in the information security field), there shall be a presumption that no reasonable risk of identity theft, fraud, or other unlawful conduct exists following a breach of security of such data. Any such presumption may be rebutted by facts demonstrating that the encryption or other security technologies or methodologies in a specific case, have been or are reasonably likely to be compromised.

(B) METHODOLOGIES OR TECHNOLOGIES.—Not later than 1 year after the date of the enactment of this Act and biannually thereafter, the Commission shall issue rules (pursuant to section 553 of title 5, United States Code) or guidance to identify security methodologies or technologies which render data in electronic form unusable, unreadable, or indecipherable, that shall, if applied to such data, establish a presumption that no reasonable risk of identity theft, fraud, or other unlawful conduct exists following a breach of security of such data. Any such presumption may be rebutted by facts demonstrating that any such methodology or technology in a specific case has been or is reasonably likely to be compromised. In issuing such rules or guidance, the Commission shall consult with relevant industries, consumer organizations, and data security and identity theft prevention experts and established standards setting bodies.

(3) FTC GUIDANCE.—Not later than 1 year after the date of the enactment of this Act the Commission shall issue guidance regarding the application of the exemption in paragraph (1).

(g) WEBSITE NOTICE OF FEDERAL TRADE COMMISSION.—If the Commission, upon receiving notification of any breach of security that is reported to the Commission under subsection (a)(2), finds that notification of such a breach of security via the Commission's Internet website would be in the public interest or for the protection of consumers, the Commission shall place such a notice in a clear and conspicuous location on its Internet website.

(h) FTC STUDY ON NOTIFICATION IN LANGUAGES IN ADDITION TO ENGLISH.—Not later than 1 year after the date of enactment of this Act, the Commission shall conduct a study on the practicality and cost effectiveness of requiring the notification required by subsection (d)(1) to be provided in a language in addition to English to individuals known to speak only such other language.

(i) GENERAL RULEMAKING AUTHORITY.—The Commission may promulgate regulations necessary under section 553 of title 5, United States Code, to effectively enforce the requirements of this section.

(j) TREATMENT OF PERSONS GOVERNED BY OTHER LAW.—A person who is in compliance with any other Federal law that requires such person to provide notification to individuals following a breach of security, and that, taken as a whole, provides protections substantially similar to, or greater than, those required under this section, as the Commission shall determine by rule (under section 553 of title 5, United States Code), shall be deemed to be in compliance with this section.

SEC. 4. APPLICATION AND ENFORCEMENT.

(a) GENERAL APPLICATION.—The requirements of sections 2 and 3 shall only apply to those persons, partnerships, or corporations over which the Commission has authority pursuant to section 5(a)(2) of the Federal Trade Commission Act.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 2 or 3 shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(2) POWERS OF COMMISSION.—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such regulations shall be subject to the penalties and entitled to the privileges and immunities provided in that Act.

(3) LIMITATION.—In promulgating rules under this Act, the Commission shall not require the deployment or use of any specific products or technologies, including any specific computer software or hardware.

(c) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

(1) CIVIL ACTION.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 2 or 3 of this Act, the attorney general, official, or agency of the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin further violation of such section by the defendant;

(B) to compel compliance with such section; or

(C) to obtain civil penalties in the amount determined under paragraph (2).

(2) CIVIL PENALTIES.—

(A) CALCULATION.—

(i) TREATMENT OF VIOLATIONS OF SECTION 2.—For purposes of paragraph (1)(C) with regard to a violation of section 2, the amount determined under this paragraph is the amount calculated by multiplying the number of days that a person is not in compliance with such section by an amount not greater than $11,000.

(ii) TREATMENT OF VIOLATIONS OF SECTION 3.—For purposes of paragraph (1)(C) with regard to a violation of section 3, the amount determined under this paragraph is the amount calculated by multiplying the number of violations of such section by an amount not greater than $11,000. Each failure to send notification as required under section 3 to a resident of the State shall be treated as a separate violation.

(B) ADJUSTMENT FOR INFLATION.—Beginning on the date that the Consumer Price Index is first published by the Bureau of Labor Statistics that is after 1 year after the date of enactment of this Act, and each year thereafter, the amounts specified in clauses (i) and (ii) of subparagraph (A) shall be increased by the percentage increase in the Consumer Price Index published on that date from the Consumer Price Index published the previous year.

(C) MAXIMUM TOTAL LIABILITY.—Notwithstanding the number of actions which may be brought against a person under this subsection the maximum civil penalty for which any person may be liable under this subsection shall not exceed—

(i) $5,000,000 for each violation of section 2; and

(ii) $5,000,000 for all violations of section 3 resulting from a single breach of security.

(3) INTERVENTION BY THE FTC.—

(A) NOTICE AND INTERVENTION.—The State shall provide prior written notice of any action under paragraph (1) to the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action for violation of this Act, no State attorney general, or official or agency of a State, may bring an action under this subsection during the pendency of that action against any defendant named in the complaint of the Commission for any violation of this Act alleged in the complaint.

(4) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(d) AFFIRMATIVE DEFENSE FOR A VIOLATION OF SECTION 3.—

(1) IN GENERAL.—It shall be an affirmative defense to an enforcement action brought under subsection (b), or a civil action brought under subsection (c), based on a violation of section 3, that all of the personal information contained in the data in electronic form that was acquired or accessed as a result of a breach of security of the defendant is public record information that is lawfully made available to the general public from Federal, State, or local government records and was acquired by the defendant from such records.

(2) NO EFFECT ON OTHER REQUIREMENTS.—Nothing in this subsection shall be construed to exempt any person from the requirement to notify the Commission of a breach of security as required under section 3(a).

SEC. 5. DEFINITIONS.

In this Act the following definitions apply:

(1) BREACH OF SECURITY.—The term ''breach of security'' means unauthorized access to or acquisition of data in electronic form containing personal information.

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) DATA IN ELECTRONIC FORM.—The term ''data in electronic form'' means any data stored electronically or digitally on any

computer system or other database and includes recordable tapes and other mass storage devices.

(4) ENCRYPTION.—The term ''encryption'' means the protection of data in electronic form in storage or in transit using an encryption technology that has been adopted by an established standards setting body which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data. Such encryption must include appropriate management and safeguards of such keys to protect the integrity of the encryption.

(5) IDENTITY THEFT.—The term ''identity theft'' means the unauthorized use of another person's personal information for the purpose of engaging in commercial transactions under the name of such other person.

(6) INFORMATION BROKER.—The term ''information broker''—

(A) means a commercial entity whose business is to collect, assemble, or maintain personal information concerning individuals who are not current or former customers of such entity in order to sell such information or provide access to such information to any nonaffiliated third party in exchange for consideration, whether such collection, assembly, or maintenance of personal information is performed by the information broker directly, or by contract or subcontract with any other entity; and

(B) does not include a commercial entity to the extent that such entity processes information collected by or on behalf of and received from or on behalf of a nonaffiliated third party concerning individuals who are current or former customers or employees of such third party to enable such third party directly or through parties acting on its behalf to (1) provide benefits for its employees or (2) directly transact business with its customers.

(7) PERSONAL INFORMATION.—

(A) DEFINITION.—The term ''personal information'' means an individual's first name or initial and last name, or address, or phone number, in combination with any 1 or more of the following data elements for that individual:

(i) Social Security number.

(ii) Driver's license number, passport number, military identification number, or other similar number issued on a government document used to verify identity.

(iii) Financial account number, or credit or debit card number, and any required security code, access code, or password that is necessary to permit access to an individual's financial account.

(B) MODIFIED DEFINITION BY RULEMAKING.—The Commission may, by rule promulgated under section 553 of title 5, United States Code, modify the definition of ''personal information'' under subparagraph (A)—

(i) for the purpose of section 2 to the extent that such modification will not unreasonably impede interstate commerce, and will accomplish the purposes of this Act; or

(ii) for the purpose of section 3, to the extent that such modification is necessary to accommodate changes in technology or practices, will not unreasonably impede interstate commerce, and will accomplish the purposes of this Act.

(8) PUBLIC RECORD INFORMATION.—The term ''public record information'' means information about an individual which has been obtained originally from records of a Federal, State, or local government entity that are available for public inspection.

(9) NON-PUBLIC INFORMATION.—The term ''non-public information'' means information about an individual that is of a private nature and neither available to the general public nor obtained from a public record.

(10) SERVICE PROVIDER.—The term ''service provider'' means a person that provides electronic data transmission, routing, intermediate and transient storage, or connections to its system or network, where the person providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and such person transmits, routes, stores, or provides connections for personal information in a manner that personal information is undifferentiated from other types of data that such person transmits, routes, stores, or provides connections. Any such person shall be treated as a service provider under this Act only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage or connections.

SEC. 6. EFFECT ON OTHER LAWS.

(a) PREEMPTION OF STATE INFORMATION SECURITY LAWS.—This Act supersedes any provision of a statute, regulation, or rule of a State or political subdivision of a State, with respect to those entities covered by the regulations issued pursuant to this Act, that expressly—

(1) requires information security practices and treatment of data containing personal information similar to any of those required under section 2; and

(2) requires notification to individuals of a breach of security resulting in unauthorized access to or acquisition of data in electronic form containing personal information.

(b) ADDITIONAL PREEMPTION.—

(1) IN GENERAL.—No person other than a person specified in section 4(c) may bring a civil action under the laws of any State if such action is premised in whole or in part upon the defendant violating any provision of this Act.

(2) PROTECTION OF CONSUMER PROTECTION LAWS.—This subsection shall not be construed to limit the enforcement of any State consumer protection law by an Attorney General of a State.

(c) PROTECTION OF CERTAIN STATE LAWS.—This Act shall not be construed to preempt the applicability of—

(1) State trespass, contract, or tort law; or

(2) other State laws to the extent that those laws relate to acts of fraud.

(d) PRESERVATION OF FTC AUTHORITY.—Nothing in this Act may be construed in any way to limit or affect the Commission's authority under any other provision of law.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect 1 year after the date of enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission $1,000,000 for each of fiscal years 2010 through 2015 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the first bill that I am urging adoption of is H.R. 2221, the Data Accountability and Trust Act, known as the DATA Act.

H.R. 2221 addresses data breaches by requiring for-profit entities holding data containing people's personal information to have reasonable and appropriate security measures in place to protect that data. H.R. 2221 would also require them to notify consumers who are U.S. citizens or residents and the Federal Trade Commission when a breach occurs.

For the past 5 years, the Privacy Rights Clearinghouse contends that nearly 340 million records ''containing sensitive personal information'' have been involved in security breaches. High-profile data breaches have plagued financial institutions, nationwide retailers, online merchants, information brokers, credit card processors, health care institutions, high-tech companies, research facilities, and government agencies.

Currently, several laws address data security requirements for narrow categories of information or specific sectors of the marketplace. These laws include the Gramm-Leach-Bliley Act Safeguards Rule, which contains data security requirements for financial institutions and the Fair Credit Reporting Act Disposal Rule, which imposes safe disposal obligations on entities that maintain consumer report information.

In addition, FTC has used its enforcement authority under the FTC Act to bring actions against companies that have made misleading claims about data security procedures or who have failed to employ reasonable security measures in circumstances causing substantial injury.

However, there is no comprehensive Federal law that requires all companies that hold consumers' personal information to implement reasonable measures to protect that data. Also, there is no Federal law that requires companies that experience a data breach to provide notice to those consumers whose personal information was compromised. Those entities who determine that there is no reasonable risk of identity theft, fraud, or other unlawful conduct would be exempt from providing nationwide notice to affected persons under H.R. 2221.

The DATA Act establishes a rebuttal presumption in the law that encryption-based technologies and methodologies adequately meet the determination standard in section 3, subsection (f)(2)(A) of the bill. More narrow exemptions are provided for a defined category of personal information holders known as ''service providers'' in addition to information brokers who handle protective data but only for the limited purposes of preventing fraud.

In promulgating the regulations under this subsection, the FTC may determine to be in compliance any person who is required under any other Federal law to maintain standards and

safeguards for information security and protection of personal information that provide equal or greater protection than H.R. 2221.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2221, the Data Accountability and Trust Act, and I am very pleased and gratified that we're considering this bill today. I've taken an active part and interest in data privacy, and I am happy that the House Members will now finally have an opportunity to vote on this important legislation which, frankly, I introduced in its original form in the 109th Congress.

As former chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, CTCP, of the Energy and Commerce Committee, I held two hearings in 2005 on identity theft and security breaches involving personal information. These hearings led me to introduce the Data Accountability and Trust Act, which would require any entity that experiences a simple breach of security, such as a business, to notify all those folks in the United States whose information was acquired by an unauthorized person as a result of this breach. My bill was reported out of the Energy and Commerce Committee by a unanimous vote, but, unfortunately, it never made its way to the House floor for a final vote.

But today we're considering legislation that is almost identical to the bill I sponsored when I was chairman of the CTCP Subcommittee. So I would like to commend Chairman BOBBY RUSH for his leadership in introducing this bill, and I'm proud to be the original cosponsor of the bill.

My colleagues, importantly, this bill requires an audit of a data broker's security practices following a breach of security. The legislation also directs the Federal Trade Commission to create rules requiring persons in interstate commerce that own or possess data to simply establish and implement security policies and procedures that protect this data from unauthorized use and requires data brokers to establish reasonable procedures to verify the accuracy of their data and also to allow consumers access to such information while also including important protections to prevent fraudsters from accessing this same information.

The DATA bill also directs the Federal Trade Commission, the FTC, to post data breaches on its Web site, making important data breach information readily available to the public.

The CTCP Subcommittee worked in a bipartisan manner to address a few concerns that were raised about the broad scope of this bill, such as worries about duplicative regulations; but our staff committee worked in a bipartisan manner to solve these problems. So they have been mitigated.

Importantly, H.R. 2221 does not impose duplicative, inconsistent, or overlapping regulations. The bill ensures that any person who is in compliance with a similar data security law will then be deemed to be in compliance with H.R. 2221. Additionally, with respect to concerns that were raised about the access and dispute resolution requirements for information brokers, the DATA bill provides that if an information broker is in compliance with similar relevant laws, then the information broker will also be deemed to be in compliance with respect to that information.

Members should also note that the Data Accountability and Trust Act only applies to those entities that are subject to Federal Trade Commission jurisdiction. Banks, savings and loan institutions, thrifts, and the business of insurance are not subject to the requirements of this bill.

Consideration of this bill today is timely, as data security, data privacy problems continue to affect countless Americans each year. In fact, according to Privacy Rights Clearinghouse, almost 340 million records containing ''sensitive personal information'' have been ''involved in security breaches since 2005.''

One of the largest known breaches in our country actually occurred in January of this year at Heartland Payment Systems. In this case over 180 million personal records were compromised. Furthermore, universities across this Nation have had names, photos, phone numbers, and addresses of their students and their staff compromised or stolen. Sensitive technology companies such as SAIC, Science Application International Corporation, and large financial institutions such as Bank of America have also experienced these breaches. Hundreds of hospitals have had the personal information of their patients in their hospitals compromised.

Earlier this year, hackers broke into a Virginia State Web site used by pharmacists to track prescription drug abuse. They successfully deleted records of more than 8 million patients and replaced the site's home page with a ransom note demanding $10 million for the return of these records.

Breaches have also occurred in the Department of Motor Vehicles; the IRS; the Federal Trade Commission itself; the FDIC, which is the Federal Deposit Insurance Corporation; the State Department; the Department of Veterans Affairs; the Department of Justice. Of course, the list goes on and on.

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Oftentimes, these data security breaches can lead to credit card fraud and even identity theft, which can require time and a whole lot of money and energy from consumers to simply repair their good name and to restore their credit history.

Consideration of this bill, the Data Accountability and Trust Act, is timely and necessary to give the record number of data breaches that are occurring across this country their due and protection. So I urge my colleagues at this time to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, as has been noted, and as is obvious here, H.R. 2221 is a bipartisan bill that is the result of a cooperative process. This bill was first introduced in the 109th Congress by Representative STEARNS as the lead sponsor when the Republicans were in the majority. It was voted out of full committee by a unanimous recorded vote. This year, it was introduced by myself as lead sponsor, and after making further improvements to the bill, it was voted out of full committee by voice vote. Compromises were made on all sides to produce an effective piece of legislation.

I would like to thank both Members and staff from both sides of the aisle for their work on this bill. I want to thank Mr. STEARNS, Mr. BARTON, Mr. RADANOVICH, Ms. SCHAKOWSKY, and the chairman of the full committee, Mr. WAXMAN, for working in a bipartisan fashion to move this important legislation forward.

Mr. Speaker, it is, again, unacceptable that in 2009 there is no comprehensive Federal law that requires all companies that hold consumers' personal information to protect that data. It is equally unacceptable that there is no Federal law requiring companies that experience a data breach to provide notice to those consumers whose personal information was compromised. This bill creates uniform, nationwide standards for breach notification. That's not only good for consumers, but uniform standards are also good for business, good for Americans, and good for our constituents. We need this law, and I urge my colleagues to support and pass H.R. 2221.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 2221, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.''.

A motion to reconsider was laid on the table.

INFORMED P2P USER ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1319) to prevent the inadvertent disclosure of information on a computer through the use of certain ''peer-

to-peer'' file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Informed P2P User Act''.

SEC. 2. CONDUCT PROHIBITED.

(a) NOTICE AND CONSENT REQUIRED FOR FILE-SHARING SOFTWARE.—

(1) NOTICE AND CONSENT REQUIRED PRIOR TO INSTALLATION.—It is unlawful for any covered entity to install on a protected computer or offer or make available for installation or download on a protected computer a covered file-sharing program unless such program—

(A) immediately prior to the installation or downloading of such program—

(i) provides clear and conspicuous notice that such program allows files on the protected computer to be made available for searching by and copying to one or more other computers; and

(ii) obtains the informed consent to the installation of such program from an owner or authorized user of the protected computer; and

(B) immediately prior to initial activation of a file-sharing function of such program—

(i) provides clear and conspicuous notice of which files on the protected computer are to be made available for searching by and copying to another computer; and

(ii) obtains the informed consent from an owner or authorized user of the protected computer for such files to be made available for searching and copying to another computer.

(2) NON-APPLICATION TO PRE-INSTALLED SOFTWARE.—Nothing in paragraph (1)(A) shall apply to the installation of a covered file-sharing program on a computer prior to the first sale of such computer to an end user, provided that notice is provided to the end user who first purchases the computer that such a program has been installed on the computer.

(3) NON-APPLICATION TO SOFTWARE UPGRADES.—Once the notice and consent requirements of paragraphs (1)(A) and (1)(B) have been satisfied with respect to the installation or initial activation of a covered file-sharing program on a protected computer after the effective date of this Act, the notice and consent requirements of paragraphs (1)(A) and (1)(B) do not apply to the installation or initial activation of software modifications or upgrades to a covered file-sharing program installed on that protected computer at the time of the software modifications or upgrades so long as those software modifications or upgrades do not—

(A) make files on the protected computer available for searching by and copying to one or more other computers that were not already made available by the covered file-sharing program for searching by and copying to one or more other computers; or

(B) add to the types or locations of files that can be made available by the covered file-sharing program for searching by and copying to one or more other computers.

(b) PREVENTING THE DISABLING OR REMOVAL OF CERTAIN SOFTWARE.—It is unlawful for any covered entity—

(1) to prevent the reasonable efforts of an owner or authorized user of a protected computer from blocking the installation of a covered file-sharing program or file-sharing function thereof; or

(2) to prevent an owner or authorized user of a protected computer from having a reasonable means to either—

(A) disable from the protected computer any covered file-sharing program; or

(B) remove from the protected computer any covered file-sharing program that the covered entity caused to be installed on that computer or induced another individual to install.

SEC. 3. ENFORCEMENT.

(a) UNFAIR AND DECEPTIVE ACTS AND PRACTICES.—A violation of section 2 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) FEDERAL TRADE COMMISSION ENFORCEMENT.—The Federal Trade Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) PRESERVATION OF FEDERAL AND STATE AUTHORITY.—Nothing in this Act shall be construed to limit or supersede any other Federal or State law.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term ''commercial entity'' means an entity engaged in acts or practices in or affecting commerce, as such term is defined in section 4 of the Federal Trade Commission Act (15 U.S.C. 44);

(2) the term ''covered entity'' means—

(A) a commercial entity that develops a covered file-sharing program; and

(B) a commercial entity that disseminates or distributes a covered file-sharing program and is owned or operated by the commercial entity that developed the covered file-sharing program;

(3) the term ''protected computer'' has the meaning given such term in section 1030(e)(2) of title 18, United States Code; and

(4) the term ''covered file-sharing program''—

(A) means a program, application, or software that is commercially marketed or distributed to the public and that enables—

(i) a file or files on the protected computer on which such program is installed to be designated as available for searching by and copying to one or more other computers owned by another person;

(ii) the searching of files on the protected computer on which such program is installed and the copying of any such file to a computer owned by another person—

(I) at the initiative of such other computer and without requiring any action by an owner or authorized user of the protected computer on which such program is installed; and

(II) without requiring an owner or authorized user of the protected computer on which such program is installed to have selected or designated a computer owned by another person as the recipient of any such file; and

(iii) the protected computer on which such program is installed to search files on one or more other computers owned by another person using the same or a compatible program, application, or software, and to copy files from the other computer to such protected computer; and

(B) does not include a program, application, or software designed primarily to—

(i) operate as a server that is accessible over the Internet using the Internet Domain Name system;

(ii) transmit or receive email messages, instant messaging, real-time audio or video communications, or real-time voice communications; or

(iii) provide network or computer security, network management, hosting and backup services, maintenance, diagnostics, technical support or repair, or to detect or prevent fraudulent activities; and

(5) the term ''initial activation of a file-sharing function'' means—

(A) the first time the file sharing function of a covered file-sharing program is activated on a protected computer; and

(B) does not include subsequent uses of the program on that protected computer.

SEC. 5. RULEMAKING.

The Federal Trade Commission may promulgate regulations under section 553 of title 5, United States Code to accomplish the purposes of this Act. In promulgating rules under this Act, the Federal Trade Commission shall not require the deployment or use of any specific products or technologies.

SEC. 6. NONAPPLICATION TO GOVERNMENT.

The prohibition in section 2 of this Act shall not apply to the Federal Government or any instrumentality of the Federal Government, nor to any State government or government of a subdivision of a State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this second bill which I am urging adoption of is H.R. 1319, the Informed P2P User Act.

H.R. 1319 was originally introduced by the gentlelady from California, Mrs. BONO MACK; Ranking Member BARTON, the gentleman from Texas; and Mr. BARROW, the gentleman from Georgia.

H.R. 1319, similar to H.R. 2221, would better enable consumers to secure personal information. The focus under H.R. 1319 is on personal information which resides on ''protected computers.'' By making these users of file-sharing software programs more aware of the risk involved in downloading and running these programs, the P2P Act will reduce inadvertent disclosures of sensitive information over the Internet.

Under H.R. 1319, developers of file-sharing software programs would be prohibited from installing their software or from making it available for installation or downloading without first notifying consumers that their software is capable of searching and copying files from their computers. Developers would also have to provide consumers with a reasonable means to disable or remove the file-sharing program. H.R. 1319 would not require user notice prior to installation for software that was installed prior to the initial

sale of a computer so long as notice of the installation of a covered program is provided in some other form.

The P2P Act would also provide the FTC with discretionary rulemaking authority and expressly states that it does not apply to the Federal Government.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume, and I also rise in support of H.R. 1319, the Informed P2P User Act of 2009.

For the second consecutive Congress, Mrs. BONO MACK has introduced this legislation because too many American consumers are having their personal information stolen and their lives wrecked by the careless distribution of file-sharing software which more often than not is used to distribute copyright-infringing content and child pornography. These file-sharing software distributors can no longer be trusted to do the right thing.

The problem of inadvertent file sharing caused by peer-to-peer programs has been felt by thousands of consumers and widely reported by the press. Recent high profile cases, like Marine One schematics being found on a network in Iran, the public availability of United States Supreme Court Justice Breyer's financial records, and the compromising of our own House Committee on Standards of Official Conduct's network security only serve to underscore the dangers associated with file-sharing software and the importance of providing American consumers with the tools and information they need to make wise decisions online.

As a believer in the power of the free market, I am willing to afford commercial interest the opportunity to simply self-regulate; however, the distributors of file-sharing software have proven they are either unable or unwilling to handle their affairs without intervention. This bill is the logical consequence.

In the House of Representatives alone, inadvertent file sharing has been the subject of at least five congressional hearings in three separate committees. In each hearing, distributors of file-sharing software have come forth with a list of voluntary best practices or a commitment to correct the problem, but in each instance they have failed to deliver.

The Informed P2P User Act improves upon existing law because its substantive requirements very narrowly target the critical problem of inadvertent sharing. Unfortunately, many users of the software—particularly preteens or teenage children and their parents—are unaware of the potential dangers of file-sharing software. Today, by passing the Informed P2P User Act, we will move that much closer to arming American consumers with the information they need to protect their personal information.

Now, I thought I would go into what the bill includes:

One, it will create a system where users of file-sharing programs are provided with conspicuous notice and forced to give consent prior to installation and activation of a file-sharing program. And two, requires entities that develop file-sharing programs to make it reasonably simple to block or remove these programs once they are installed.

Additionally, this act will require an easy-to-understand notice and consent rule for file-sharing software. It is my belief that when the consumer is provided with this information, he or she will make a more informed choice.

Finally, my colleagues, the Informed P2P User Act ensures a narrow scope by exempting technologies like e-mail, instant messaging, real-time audio or video communications, and real-time voice communications.

This bill has broad bipartisan support, including 36 cosponsors, written endorsement of 41 State Attorneys General, and the full backing of child safety groups such as Stop Child Predators.

I would like to commend Congresswoman BONO MACK for all the work she has done here; the ranking member on our committee, Mr. BARTON; obviously Mr. RUSH for being on the floor; and Congressman BARROW for his leadership on this issue. I encourage the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, it is my pleasure to now yield 5 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the chairman of the subcommittee for his leadership on this issue and for yielding.

Mr. Speaker, I rise today in support of H.R. 1319, the Informed Peer-to-Peer User Act, which I introduced with Representatives BONO MACK and BARTON.

We live in a world where digital technology connects people in ways that make all kinds of collaboration and innovation possible. There is no question about the benefits of this technology; what I am worried about is the cost. This technology has made us all more productive all right, but it has also made it easier for others to invade our personal records and reveal private information about us and our families that we would never choose to disclose. This bill will protect consumers by making Internet users more aware of the inherent privacy and security risks associated with peer-to-peer file-sharing programs.

All too often, folks who connect to these networks don't even realize that their most personal and private files are visible to everyone else on the network at any time. They are posting their tax returns, their financial records, and personal messages on the Internet and they don't even know it. Recent reports have shown that peer-to-peer software was implicated in a security breach involving Marine One—the helicopter used by President Obama—and another high profile case involved Supreme Court Justice Stephen Breyer.

There are all kinds of legitimate peer-to-peer software packages out there, and we are working real hard to make sure that none of those are impacted or limited by what is proposed by this legislation, and the committee members are going to continue to make sure that the scope of this bill doesn't interfere with the productive capacity of this technology. But this bipartisan bill is critical to protecting the privacy and Internet safety of American families. We have truth in lending and truth in labeling. I think it's time we had truth in networking.

I want to thank Congresswoman BONO MACK for her leadership and Congressman BARTON for his sponsoring this bill and working with me on this important legislation. I urge my colleagues to vote in support of the Informed Peer-to-Peer User Act.

Mr. STEARNS. Mr. Speaker, I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I am pleased to rise in support of the Informed Peer-to-Peer User Act.

As we are hearing today on the floor, it is imperative that we heighten public awareness of the dangers associated with P2P file sharing, and Mr. BARROW just spoke so well to those points.

The reason that this legislation is needed and why it effectively requires software applications to provide clear warnings to their users is because, as the gentleman from Georgia indicated, many people are not aware of what they are finding themselves in the middle of as their information is exposed on the Internet.

In addition, the Seventh District of Tennessee, my district, is home to some of the country's most talented and creative minds in the music industry, and they rely heavily on P2P file sharing in crafting and bringing forward their music.

□ 1515

However, P2P programs are notorious for stealing copyrighted work, and this legislation does much to curb the piracy and the copyright infringement while stepping up penalties that are badly needed for those that are knowingly and willingly carrying out these violations. Unknown and untracked predators have been given fertile ground to steal intellectual property in a system that had been previously void of any centralized mechanism to track, monitor, and prosecute the violators.

I do want to commend those on both sides of the aisle, especially Mr. BARROW, Mrs. BONO MACK, Mr. BARTON, and Mr. STEARNS, for all their hard work in crafting this bill, and I encourage everyone to support the legislation.

Mr. STEARNS. Mr. Speaker, I have no further speakers.

I would just conclude by saying, oftentimes when we come to the floor, we have very controversial bills. We've had two consecutive bills here that had

bipartisan support. So it's important, I think, the American people realize that Congress can get things done, and these two bills are the best example of it. And so I urge all my colleagues to support this act.

I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, I yield myself as much time as I may consume for a closing statement.

Mr. Speaker, again, as the gentleman from Florida has indicated, this is a bipartisan bill. It is the result of a very intense and cooperative process. It was voted out of the full committee by a unanimous recorded vote.

Mr. Speaker, I would like to thank both Members and the staffs on both sides of the aisle for their hard work on this important piece of legislation. I want to thank, in particular, Mrs. BONO MACK, Mr. BARTON, Mr. BARROW, Mr. WAXMAN, Mr. RADANOVICH, and others for working in a true bipartisan fashion to move this important piece of legislation and to move it forward.

Mr. Speaker, I urge all my colleagues to vote for this bill and to approve this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1319, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to prevent the inadvertent disclosure of information on a computer through certain 'peer-to-peer' file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer.''.

A motion to reconsider was laid on the table.

FISCAL YEAR 2010 FEDERAL AVIATION ADMINISTRATION EXTENSION ACT, PART II

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4217) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''March 31, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2009'' and inserting ''March 31, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''December 31, 2009'' and inserting ''March 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2010'' and inserting ''April 1, 2010''; and

(2) by inserting ''or the Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''January 1, 2010'' and inserting ''April 1, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

''(7) $2,000,000,000 for the 6-month period beginning on October 1, 2009.''.

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were $4,000,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''December 31, 2009,'' and inserting ''March 31, 2010,''.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''January 1, 2010.'' and inserting ''April 1, 2010.''.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking ''December 31, 2009,'' and inserting ''March 31, 2010,''; and

(2) by striking ''March 31, 2010,'' and inserting ''June 30, 2010,''.

(c) Section 44303(b) of such title is amended by striking ''March 31, 2010,'' and inserting ''June 30, 2010,''.

(d) Section 47107(s)(3) of such title is amended by striking ''January 1, 2010.'' and inserting ''April 1, 2010.''.

(e) Section 47115(j) of such title is amended by striking ''January 1, 2010,'' and inserting ''April 1, 2010,''.

(f) Section 47141(f) of such title is amended by striking ''December 31, 2009.'' and inserting ''March 31, 2010.''.

(g) Section 49108 of such title is amended by striking ''December 31, 2009,'' and inserting ''March 31, 2010,''.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''January 1, 2010,'' and inserting ''April 1, 2010,''.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''January 1, 2010,'' and inserting ''April 1, 2010,''.

(j) The amendments made by this section shall take effect on January 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $4,676,574,750 for the 6-month period beginning on October 1, 2009.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

''(6) $1,466,888,500 for the 6-month period beginning on October 1, 2009.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

''(14) $92,500,000 for the 6-month period beginning on October 1, 2009.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Ohio (Mr. TIBERI) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on H.R. 4217.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 4217, the Fiscal Year 2010 FAA Extension Act, Part II, extends the financing and spending authority for the Airport and Airway Trust Fund. The trust fund taxes and spending authority are scheduled to expire on December 31, 2009, a few days from now. This bill simply extends these taxes for 3 months.

Earlier this year, the House passed legislation allowing the trust fund to operate through 2012. Unfortunately, the Senate has not considered this important legislation. Today's bill simply keeps the Airport and Airway Trust Fund taxes and operations in place until a long-term measure can be signed into law.

Air travel plays a critical role in our economy and in our lives. The world's busiest passenger airport, Hartsfield-Jackson Atlanta International Airport, is located in my congressional district. This airport alone has a direct impact of $24 billion on our economy. Failure to act will prevent the FAA from spending funds that are already in the trust fund. As a result, important airport construction projects around the country would shut down.

This bill also extends a number of authorizing provisions that are under the

jurisdiction of the Transportation and Infrastructure Committee, led by my good and close friend, Chairman OBERSTAR. All of those provisions were passed by this body in a similar bill that extended these expiring tax provisions. If we fail to act on this bill, Mr. Speaker, I will repeat, if we fail to act on this bill, the trust fund will lose the revenue that we need for airport construction and the air traffic control system.

I hope all of my colleagues will join me in supporting this good and necessary bill.

I reserve the balance of my time, Mr. Speaker.

Mr. TIBERI. Mr. Speaker, I yield myself as much time as I may consume.

(Mr. TIBERI asked and was given permission to revise and extend his remarks.)

Mr. TIBERI. Mr. Speaker, I rise in support of H.R. 4217.

Mr. Speaker, this is a straightforward bill, one that will provide a 3-month extension of various excise taxes that support the Airport and Airway Trust Fund, as well as the trust fund's expenditure authorities. These taxes and authorities are currently scheduled to expire at the end of the month, and today's legislation will permit this Congress the time it needs to consider a longer-term FAA reauthorization bill.

As the ranking member of the Select Revenue Subcommittee within the Ways and Means Committee, I'm pleased that Chairman RANGEL held a hearing earlier this year to examine tax issues related to the Airport and Airway Trust Fund. I certainly look forward to working with Chairman RANGEL, Chairman LEWIS, and all the members of our committee over the months ahead as we determine whether modifications to the financing structure of the Airport and Airway Trust Fund are warranted going forward. Ways and Means is clearly the appropriate committee of jurisdiction regarding these tax issues, and I anticipate working with other Ways and Means members of both parties to ensure that our committee continues to shape FAA reauthorization as it proceeds forward.

I would note for my colleagues that under the Congressional Budget Office baseline, expiring excise taxes that are dedicated to a trust fund are assumed to be extended at current rates for budgeting purposes. Consequently, the Joint Committee on Taxation is expected to score H.R. 4217 as having no revenue effect, just as it has with similar short-term extensions of FAA taxes in the past. While many Members on our side of the aisle would argue that the Congressional Budget Office and Joint Tax should make the same assumption about expiring tax relief as well, that is a bigger debate for another day. For now, it's important that we extend the current FAA excise taxes on a temporary basis, and I'm pleased to join with my colleagues on the other side of the aisle in support of this legislation today.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois, the chairman of the Aviation Subcommittee, my good friend, Mr. COSTELLO.

Mr. COSTELLO. Mr. Speaker, I rise in support of H.R. 4217, Fiscal Year 2010 Federal Aviation Administration Extension Act. I want to thank Chairman RANGEL and Ranking Member CAMP as well as Chairman OBERSTAR and Ranking Member MICA and Mr. PETRI for bringing this to the floor today.

The FAA has been operating under a string of short-term extensions for over 2 years, since the last FAA reauthorization bill expired. Short-term extensions and uncertain funding levels can be disruptive to the aviation industry and to communities because they do not allow them to plan for long-term growth. Every month that goes by without a long-term FAA authorization is a lost opportunity to improve aviation safety, security, and to create and maintain jobs around the country.

Mr. Speaker, the House did its job and passed H.R. 915, the FAA Reauthorization Act of 2009, a 3-year authorization of the FAA programs. For several months, we have been waiting on the other body to bring a bill to the floor and to pass it. The Airport and Airways Trust Fund will expire on December 31, 2009, and the bill before us today, H.R. 4217, extends aviation taxes and expenditures authority and the Airport Improvement Program contract authority until March 31, 2010.

H.R. 4217 also provides an additional $2 billion in AIP contract authority, resulting in an annualized amount of $4 billion for fiscal year 2010. Four billion dollars for AIP is consistent with the House and Senate reauthorization bills, as well as the fiscal year 2010 concurrent budget resolution. These additional funds will allow airports to continue critical safety and capacity enhancement projects.

Congress must ensure that this extension passes to reduce delays and congestion, improve safety and efficiency, stimulate the economy and create jobs. Mr. Speaker, I urge my colleagues to support this bill.

Mr. TIBERI. Mr. Speaker, I yield 5 minutes to an expert on transportation issues in this Congress, a true leader, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. In the 110th Congress, the House passed the FAA Reauthorization Act of 2007, and that legislation reauthorized FAA for 4 years. In May of this year, the House voted again to pass a comprehensive reauthorization bill, this time H.R. 915, the FAA Reauthorization Act of 2009. Unfortunately, the Senate has been unable to come to an agreement on its bill over the last two Congresses. So, for the past 2 years, Congress has passed extensions of the Federal Aviation Administration's funding and authority through the end of calendar year 2009. The latest extension expires at the end of this month, so today we're considering another extension.

H.R. 4217 would extend the taxes, programs, and funding of the FAA through March of 2010. This bill extends FAA funding and contract authority for 3 months, provides $1 billion in airport improvement funding through March 2010, extends the War Risk Insurance program, and extends the Small Community Air Service Development Program. The bill before us, H.R. 4217, will ensure that our national aviation system continues to operate until a full FAA reauthorization can be enacted.

As I've indicated many times since the passage of the House FAA reauthorization bill back in 2007, we need to pass a long-term bill so that we can meet the growing demands placed on our Nation's aviation infrastructure. Modernizing our antiquated air traffic control system and repairing our crumbling infrastructure need to be at the top of our priorities.

While I have some concerns with the House-passed bill, I look forward to addressing these issues in conference to develop bipartisan solutions on some of the more controversial provisions of the act. I urge my colleagues in the other body to complete their work on a comprehensive FAA reauthorization package in a timely fashion. And while I'm disappointed that the FAA has gone so long without a comprehensive reauthorization, I support this extension as the best alternative to keep the FAA and the National Airspace System running safely until we can take up and pass a bipartisan and bicameral bill.

□ 1530

Mr. LEWIS of Georgia. I reserve the balance of my time.

Mr. TIBERI. I will close by asking, again, my colleagues to support the measure. I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I fully support H.R. 4217. Simply said, Mr. Speaker, we must make sure that the FAA remains funded. I urge my colleagues on both sides of the aisle to vote ''yes'' on this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 4217, the "Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II".

The previous long-term Federal Aviation Administration (FAA) reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176) expired on September 30, 2007. Although the House passed an FAA reauthorization bill last Congress, the Senate did not, resulting in the need for a series of short-term extension acts that, unfortunately, continues to this day.

At the outset of this Congress, the House again passed a long-term FAA reauthorization bill. On May 21, 2009, the House passed H.R. 915, the "FAA Reauthorization Act of 2009", which reauthorizes FAA programs for fiscal years (FY) 2010 through 2012.

However, this legislation is still pending in the Senate, as the other body has been unable to complete action on a long-term FAA reauthorization bill. Given that the current authority for aviation programs expires on December 31, an extension of current law is necessary to continue financing of aviation programs until a multi-year reauthorization bill can be completed. H.R. 4217 provides a three-month extension of aviation programs, through March 31, 2010.

H.R. 4217 provides $2 billion in contract authority for the Airport Improvement Program (AIP) through the end of March. This $2 billion will enable airports to move forward with important safety and capacity projects. When annualized, this level of AIP funding equals $4 billion, which is consistent with both the House and Senate FAA reauthorization bills, and the FY 2010 Concurrent Budget Resolution.

The bill also authorizes appropriations for FAA Operations, Facilities and Equipment (F&E), and Research, Engineering, and Development (RE&D) programs, consistent with average funding levels of the FY 2010 House-approved appropriations bill and the Senate-approved appropriations bill.

In addition, H.R. 4217 extends the aviation excise taxes through March 31, 2010. These taxes are necessary to support the Airport and Airway Trust Fund, which funds a substantial portion of the FAA's budget. With an uncommitted cash balance of just $251 million at the end of FY 2009, any lapse in the aviation taxes could put the solvency of the Trust Fund at risk.

In addition to extending the aviation taxes, H.R. 4217 extends the FAA's authority to make expenditures from the Airport and Airway Trust Fund through March 2010.

To allow aviation programs to continue under the same terms and conditions as were in effect during the previous authorization period, H.R. 4217 also extends several other provisions of Vision 100.

I thank Chairman RANGEL, Chairman of the Committee on Ways and Means, for introducing this measure, and for his assistance in ensuring the continued operation of aviation programs. I also thank Ways and Means Committee Ranking Member CAMP and my Committee colleagues, Ranking Member MICA, Subcommittee Chairman COSTELLO, and Subcommittee Ranking Member PETRI, for working with me on this critical legislation.

I strongly urge my colleagues to join me in supporting H.R. 4217.

Mr. LEWIS of Georgia. With that, Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 4217.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NO SOCIAL SECURITY BENEFITS FOR PRISONERS ACT OF 2009

Mr. TANNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4218) to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Social Security Benefits for Prisoners Act of 2009''.

SEC. 2. PROHIBITION OF RETROACTIVE TITLE II AND TITLE XVI PAYMENTS TO PRISONERS, FUGITIVE FELONS, AND PROBATION OR PAROLE VIOLATORS.

(a) AMENDMENTS TO TITLE II.—Section 204(a)(1)(B) of the Social Security Act (42 U.S.C. 404(a)(1)(B)) is amended—

(1) by striking ''(B) With'' and inserting ''(B)(i) Subject to clause (ii), with''; and

(2) by adding at the end the following:

''(ii) No payment shall be made under this subparagraph to any person during any period for which monthly insurance benefits of such person—

''(I) are subject to nonpayment by reason of section 202(x)(1), or

''(II) in the case of a person whose monthly insurance benefits have terminated for a reason other than death, would be subject to nonpayment by reason of section 202(x)(1) but for the termination of such benefits,

until section 202(x)(1) no longer applies, or would no longer apply in the case of benefits that have terminated.

''(iii) Nothing in clause (ii) shall be construed to limit the Commissioner's authority to withhold amounts, make adjustments, or recover amounts due under this title, title VIII or title XVI that would be deducted from a payment that would otherwise be payable to such person but for such clause.''.

(b) AMENDMENTS TO TITLE XVI.—Section 1631(b) of such Act (42 U.S.C. 1383(b)) is amended by adding at the end the following new paragraph:

''(7)(A) In the case of payment of less than the correct amount of benefits to or on behalf of any individual, no payment shall be made to such individual pursuant to this subsection during any period for which such individual—

''(i) is not an eligible individual or eligible spouse under section 1611(e)(1) because such individual is an inmate of a public institution that is a jail, prison, or other penal institution or correctional facility the purpose of which is to confine individuals as described in clause (ii) or (iii) of section 202(x)(1)(A), or

''(ii) is not an eligible individual or eligible spouse under section 1611(e)(4),

until such person is no longer considered an ineligible individual or ineligible spouse under section 1611(e)(1) or 1611(e)(4).

''(B) Nothing in subparagraph (A) shall be construed to limit the Commissioner's authority to withhold amounts, make adjustments, or recover amounts due under this title, title II, or title VIII that would be deducted from a payment that would otherwise be payable to such individual but for such subparagraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for payments that would otherwise be made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. TANNER) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 4218.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield myself such time as I might consume.

Mr. JOHNSON and I bring this bill to the floor today. It's a stopgap measure, Mr. Speaker.

The Social Security Act already prohibits payment of Social Security and SSI benefits to individuals in prison and to those who are fleeing to avoid prosecution, custody, or confinement for a felony. The law also prohibits payments to individuals violating a condition of parole or probation. However, payments of retroactive benefits owed to such individuals are not currently barred by law, and this ensures that retroactive payments are treated the same as monthly benefits.

The need for this law to be done quickly is because of a recent court determination that the Social Security Administration's implementation of this prohibition for those fleeing prosecution or imprisonment was applied too broadly. Without this legislation, the Social Security Administration will be obligated under court order to make payments to some of these individuals as early as next week.

What Mr. JOHNSON and I wanted to do was to bring this bill today and pass it so we can get it to the Senate and give some guidance to the Social Security Administration in this regard.

Mr. Speaker, with that, I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the point of this bill is simple. Social Security and supplemental security income benefits should not be paid to prisoners, probation, or parole violators or fugitive felons. That is why I joined the Ways and Means Social Security Subcommittee with JOHN TANNER, who is great about looking into these things, and we cosponsored this bill. And I ask all of my colleagues to support it.

This stopgap measure addresses a glitch in the current law discovered when Social Security began to implement a nationwide class-action settlement agreement reached in September in the case of Martinez v. Astrue. That agreement reduced the number and type of felony arrest warrants used to prohibit benefit payments, resulting in retroactive payments to certain recipients.

In the first phase of settlement implementation, notices will be issued beginning this week to 28,000 individuals. Of these, Social Security recently identified 150 as prisoners.

Current law already prohibits prisoners, fugitive felons, and probation/parole violators from receiving benefits. The same law should apply to retroactive benefits as well but right now

it doesn't. That is why we need to pass this bill. If we don't, prisoners eligible for payments from before they were in jail may soon receive a lump sum retroactive check, some covering back benefits over 3 or 4 years.

Thanks in large part to the work of my Ways and Means colleague, WALLY HERGER, those with outstanding felony arrest warrants, known as fugitive felons, have not been able to receive supplemental security income, Social Security, or Social Security disability benefits.

According to the Office of the Inspector General, their data-sharing efforts with local, State, and Federal law enforcement agencies contributed to over 83,000 arrests since the program's inception in 1996. While well-intentioned, the Martinez settlement nevertheless requires Social Security to pay benefits that had been suspended. And as a result, taxpayers are now on the hook for millions of dollars. We can and we must do better.

I look forward to working with Chairman TANNER to right this wrong and draft legislation to suspend payments for those fugitives wanted for the most heinous crimes while permitting lenience in cases where good cause exemptions make sense.

I reserve the balance of my time.

Mr. TANNER. I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. At this time, I'd like to recognize and yield to the gentleman from California (Mr. HERGER), a member of the Ways and Means Committee and one of our staunch allies, as much time as he may consume.

Mr. HERGER. I thank my good friend from Texas.

I rise today to discuss an issue I have been involved with for many years.

The landmark 1996 welfare reform included legislation I drafted that denies fugitive felons, along with probation and parole violators, Supplemental Security Income checks. GAO long recognized those SSI disability payments were at a high risk for fraud and abuse and encouraged Congress to act. Subsequent legislation expanded that 1996 ban to include certain Social Security checks. These provisions have been successful in saving millions of taxpayer dollars and have assisted law enforcement in making over 86,000 arrests and getting felons off the street, including a man wanted in Texas for 20 counts of child molestation.

Due to a recent court action, however, the Social Security Administration now is required to ban payments only to fugitive felons issued a warrant for trying to escape arrest rather than the broader group of fugitives with an outstanding felony arrest warrant. That action also compels SSA to restore benefits denied earlier, which will result in large retroactive payments of as much as $30,000 per individual. Not only will this cost taxpayers millions of dollars, but I'm deeply concerned that the effectiveness of the program we set up in 1996 could be greatly reduced.

The bill before us would immediately prevent checks for past-due Social Security and SSI benefits from being sent to currently incarcerated individuals, including checks that, without this action, could pay inmates tens of thousands of dollars while they are behind bars. Thus, the bill before us is a step in the right direction of addressing issues created by the court decision.

But there are more steps to take.

Following release of an October 2009 report from the SSA Inspector General that brought to light concerns with SSA's fugitive felon policy, I joined other Ways and Means members in requesting additional information on how SSA has used the good cause exemptions it is already allowed to make in certain cases. I believe the Social Security Administration should continue to suspend payments for those fugitives wanted based on the most heinous crimes while using the authority it already has to make good cause exemptions as appropriate.

As the legislation before us suggests, many of those made eligible for disability payments under the recent court action continue to break the law and can and do wind up in jail, costing taxpayers thousands of dollars.

I look forward to the Inspector General's response to our inquiry so that Congress can determine the best way forward to improve this important program and prevent the misuse of taxpayer dollars while protecting those who truly merit relief.

Let's stop these payments from going to prisoners today, and then keep working to ensure the right people are getting the right benefits and that taxpayer dollars are spent wisely to help only those truly in need.

Mr. TANNER. Mr. Speaker, I want to thank Mr. JOHNSON for working with us on this.

I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and pass the bill, H.R. 4218.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 845, by the yeas and nays;

H.R. 2278, by the yeas and nays;

H. Res. 915, by the yeas and nays;

H. Res. 907, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RECOGNIZING THE AIR FORCE AND DYESS AIR FORCE BASE ON ACHIEVING ENERGY SAVINGS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 845, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and agree to the resolution, H. Res. 845, as amended.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 935]

YEAS—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)

Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Abercrombie
Arcuri
Barrett (SC)
Berman
Bono Mack
Boucher
Broun (GA)
Capuano
Carney
Davis (AL)
Grijalva
Hoekstra
Kagen
Kind
Melancon
Moran (VA)
Murtha
Payne
Pence
Poe (TX)
Radanovich
Reichert
Simpson
Smith (WA)
Tsongas

□ 1611

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUESTING REPORT ON ANTI-AMERICAN INCITEMENT TO VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2278, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. COSTA) that the House suspend the rules and pass the bill, H.R. 2278, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 3, answered ''present'' 9, not voting 27, as follows:

[Roll No. 936]

YEAS—395

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Honda
Johnson, E. B.
Paul

ANSWERED ''PRESENT''—9

Edwards (MD)
Kucinich
Lee (CA)
McDermott
Moore (WI)
Stark
Waters
Watt
Woolsey

NOT VOTING—27

Abercrombie
Arcuri
Barrett (SC)
Berman
Bono Mack
Boucher
Broun (GA)
Capuano
Carney
Davis (AL)
Grijalva
Gutierrez
Hoekstra
Kagen
Kind
Kosmas
Melancon
Moran (VA)
Murtha
Owens
Payne
Pence
Radanovich
Reichert
Schrader
Smith (WA)
Tsongas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1619

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 935, H. Res. 845—recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month, and rollcall No. 936, H.R. 2278, to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, and for other purposes, had I been present, I would have voted "yea."

ENCOURAGING HUNGARY TO RESPECT THE RULE OF LAW

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 915, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 915.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 74, answered "present" 3, not voting 24, as follows:

[Roll No. 937]

YEAS—333

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Conaway
Connolly (VA)
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeGette
Delahunt
DeLauro
Dent
Dicks
Donnelly (IN)
Doyle
Dreier
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hodes
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kanjorski
Kennedy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Ortiz
Owens
Pallone
Pascrell
Paulsen
Pence
Perlmutter
Peters
Peterson
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rangel
Rehberg
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Titus
Tonko
Towns
Upton
Van Hollen
Visclosky
Walden
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Westmoreland
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NAYS—74

Baldwin
Becerra
Bishop (UT)
Blumenauer
Boccieri
Chaffetz
Clarke
Cohen
Cole
Conyers
Costello
Dahlkemper
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Driehaus
Duncan
Edwards (MD)
Fudge
Hinchey
Hirono
Honda
Johnson, E. B.
Jones
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kucinich
LaTourette
Lee (CA)
Loebsack
Lofgren, Zoe
Lynch
Markey (MA)
Massa
McCotter
McDermott
McGovern
McMahon
Michaud
Miller (MI)
Mollohan
Moore (WI)
Napolitano
Nunes
Olver
Pastor (AZ)
Paul
Perriello
Petri
Pingree (ME)
Rahall
Reyes
Ryan (OH)
Schmidt
Serrano
Shuster
Snyder
Stark
Taylor
Tiberi
Tierney
Turner
Velázquez
Walz
Waters
Waxman
Welch
Whitfield
Woolsey
Young (AK)

ANSWERED "PRESENT"—3

McCarthy (NY)
Speier
Tanner

NOT VOTING—24

Abercrombie
Arcuri
Barrett (SC)
Berman
Bono Mack
Boucher
Broun (GA)
Capuano
Carney
Davis (AL)
Grijalva
Hoekstra
Kagen
Kind
Melancon
Miller (FL)
Moran (VA)
Murtha
Payne
Radanovich
Reichert
Smith (WA)
Tsongas
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1629

Messrs. COHEN, NUNES, MCMAHON, MOLLOHAN, YOUNG of Alaska, LYNCH, Ms. ZOE LOFGREN of California, Messrs. DRIEHAUS, WELCH, and Mrs. SCHMIDT changed their vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING 100TH ANNIVERSARY OF THE GRAND CONCOURSE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 907, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. LARSEN) that the House suspend the rules and agree to the resolution, H. Res. 907.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 29, as follows:

[Roll No. 938]

YEAS—405

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett

Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Abercrombie
Arcuri
Barrett (SC)
Berman
Boehner
Bono Mack
Boucher
Broun (GA)
Capuano
Carney
Culberson
Davis (AL)
Garrett (NJ)
Grijalva
Hoekstra
Hoyer
Kagen
Kind
Melancon
Moran (VA)
Murtha
Neugebauer
Payne
Radanovich
Reichert
Roybal-Allard
Smith (WA)
Tsongas
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1643

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROUN of Georgia. Mr. Speaker, on rollcall No. 937, H. Res. 915, encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press, and rollcall No. 938, H. Res. 907, recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York, had I been present, I would have voted "yea."

JOBS BILL

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, I rise today to discuss the importance of jobs and our economy, and the importance of putting Americans back to work to really spur the economic growth that I think we all desire.

I was pleased that the mayor of Fresno last week was one of the five mayors to participate in the jobs forum in the White House since she and I represent a region that has suffered severe economic hardships, including a drought, a devastating drought, that has impacted much of the San Joaquin Valley and other aspects of California, the collapse of the dairy market, and the precipitous drop in housing markets that has put housing and foreclosures of the utmost concern. We need to do everything we can to invest in our infrastructure and transportation, schools, and water.

California is in the midst of a water crisis, and I urge the administration to use all of the flexibility within its power to get water flowing for next year's growing season to allow tens of thousands of hardworking farmworkers, farmers, to return to work, to putting food on America's dinner table. Water equals jobs, equals food. That's what we need to do.

I'd like to submit a letter for the RECORD that I wrote to the President concerning this crisis.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 3, 2009.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Today, as the White House convenes its jobs summit and examines ways to speed job growth in a slow-moving economy, please accept my sincere appreciation and best wishes for a successful event. I am pleased to hear that Mayor Ashley Swearengin of Fresno, CA is one of five U.S. mayors invited to participate today, since the region that she and I represent has suffered from severe economic hardships including a crippling drought, a collapse of the dairy market and precipitous drop in the housing market. Mayor Swearengin's presence is especially timely as she navigates unprecedented fiscal challenges in the city's operating budget which include employee furloughs, fire station closures and over one hundred employee layoffs.

As you are well aware from our prior meetings and my correspondence, California is in the midst of a water supply crisis and likely heading into the fourth consecutive year of a crippling drought. I urge you to keep California's San Joaquin Valley in the forefront of your economic recovery dialogue. I would be remiss if I did not point out that one way to bring people back to work in the San Joaquin Valley immediately is to use all the discretion within your power under the law to get water flowing this growing season. This action alone would allow tens of thousands of hard-working farmers, farm workers, and farm communities to return to the honest work of putting food on America's dinner table.

Water is the lifeblood of the Valley, and without it, our cities and towns have literally been withering and drying out. Unless Mother Nature intervenes and you take action now to implement short, mid, and long-term solutions to alleviate the crisis, all of California will have to prepare for the devastating impacts of the drought. On Tuesday of this week, the California Department of Water Resources announced its projected allocation for water deliveries to two-thirds of Californians at 5 percent of contracted totals. For your reference, this is the lowest initial allocation in State Water Project history. It is my understanding that the announcement from the Bureau of Reclamation will not be far behind. Mr. President, farmers cannot get bank loans to sustain their businesses with water supply delivery allocations this low. Many communities throughout the Valley are facing unemployment levels that rival any in recent memory—up to forty percent. I believe that every region of California deserves a sustainable water supply, and your direct commitment and leadership is necessary to help with California's short-term water needs.

In addition, I am disappointed that the released list of attendees at your jobs summit today did not include community bankers from a diverse cross-section of the country. As you know, community bankers have continued to lend to consumers and small businesses in communities where the largest banks have closed branches or reduced access to credit. The ability to obtain credit is essential to any sustainable growth in the small business sector, and I urge you to invite community bankers to share their solutions for growth with your administration.

The San Joaquin Valley can benefit from additional investments in our highway infrastructure. Just yesterday, House Transportation and Infrastructure Committee Chairman Jim Oberstar held a press conference

with The American Association of State Highway and Transportation Officials (AASHTO) regarding infrastructure investment. They identified 120 ready-to-go highway projects in California worth $4.012 billion. Investment in our highways will put people back to work immediately, and improve transit in the San Joaquin Valley.

In addition, a renewed focus on high-speed rail would greatly impact the local economy in the San Joaquin Valley. Top economists have indicated that direct investment in infrastructure projects is the best way to create jobs and stimulate the economy. The short-term and long-term economic impacts of a high-speed rail system would be tremendous for California's economy. Construction of the system is estimated to generate almost 300,000 jobs, and following construction, the system will provide 450,000 permanent jobs in California. These jobs will have a huge ripple effect into other areas of California's economy such as the service and manufacturing industries. Overall, for every dollar spent on this system, we will see two dollars in return. I urge you and Secretary LaHood to approve California's Track 2 application for federal high-speed rail funds, and would be happy to join you when this funding is announced next year.

Thank you for your consideration of these requests, and I look forward to continue working with your administration to bring jobs and long-term economic growth to California's San Joaquin Valley.

Sincerely,

JIM COSTA,
Member of Congress.

□ 1645

THE ''TREAT TERRORISTS NICE GANG'' AND THE NAVY SEALS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, Navy SEALs were in court yesterday accused of punching a terrorist. The SEALs are Matthew McCabe, Jonathan Keefe, and Julio Huertas. In a nighttime raid last September, they were part of SEAL Team 10 that captured the most wanted terrorist in Iraq.

Ahmed Hashim Abed planned the barbaric ambush of four Blackwater security guards in 2004. Madam Speaker, the Americans were murdered. They were drug through the streets, mutilated, burned, and hung from a bridge in Fallujah. During the public executions, our enemies cheered in front of news cameras. Abed didn't say he was allegedly assaulted until he was turned over to Iraqi authorities, however. The al Qaeda manual tells members when captured to complain of torture and mistreatment; it doesn't matter if it's true or not. And besides killing, these folks lie. Now SEALs are being court-martialed on the word of a braggadocios murderer.

Al Qaeda has learned to play the ''Treat Terrorists Nice Gang'' like useful misfits. One word from a killer and the accusers become the accused. The military should try the terrorist for murder and give the SEALs medals for capturing him.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. FUDGE). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

IT'S TIME FOR A NEW ATTITUDE DOWNTOWN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, America's infrastructure is in an extraordinarily sad state of disrepair, in fact, endangering and killing Americans. We need a new attitude in terms of rebuilding our infrastructure and bringing it up to a state of good repair at the White House.

There seems to be some reluctance. The President said after his jobs summit that he just had to admit that shovel ready wasn't always shovel ready, and he seemed to be referring to infrastructure. But actually, the infrastructure money is already 60 percent spent and underway and the other 40 percent will be obligated before spring to begin to catch up with that deficit.

Now, the Department of Energy has already spent about 8 percent of their money; HUD, I don't know if they've spent any of it. There are all sorts of fantasy programs out there that were in the stimulus where money hasn't been expended, but in transportation and infrastructure it has been invested and it is going to save lives and it is going to get people to work with less congestion and less damage to their vehicles by bringing the infrastructure up to date.

I would like to try and bring this home to the White House because they just don't seem to be listening. This was—or is—a lag bolt; it's about 60 years old. You can see it's kind of missing the bottom. Well, this lag bolt was involved in an accident on the Chicago Transit Authority. This is what holds down the metal plates that hold down the rail. They have a life span of about 40 years. There are thousands of them on the system waiting to fail.

Now, when the Chicago Transit Authority got $250 million—that's a lot of money—under the stimulus bill, they spent the money in 30 days. Thirty days. These aren't just your old public works construction jobs; these are, first off, almost all private sector jobs bid out on contract. Secondly, much of it was invested in sophisticated equipment and manufactured goods. So that $250 million produced a huge multiplier effect. They were buying new buses because their buses are decrepit. People who build buses were getting good wages. The people who build things to go on buses—tires, brakes, all that because of ''Made in America''—they were getting jobs, too. So actually, the shovel-ready stuff was ready and is underway when it comes to transit and highway infrastructure.

Like this failed bolt in Chicago, the Chicago Transit Authority could spend another $6.5 billion just to bring their system up to a state of good repair, and they can spend that money very quickly with a huge multiplier effect. Why can't the economic team at the White House understand that? Their pointy-head theories about, oh, infrastructure takes so long and it doesn't have a good multiplier, unlike giving people a little bit of money in withholding—or green grid, whatever that is, where a penny hasn't been spent. Somehow this is just too old school for them, fixing up our country, putting people to work, manufacturing and construction jobs.

We have 160,000 bridges on the Federal system that should be posted. The American people should see a big sign saying, ''Danger, the bridge over which you are about to drive is either weight limited, structurally deficient, or functionally obsolete.'' One hundred sixty thousand bridges. Now, if we began a program to replace those, it doesn't take long, look how quickly we replaced the bridge in Minnesota. It doesn't require lengthy environmental impact statements or planning, it's replace and fix the bridges, it's concrete, it's steel, it's workers, it's aggregate, it's made in America. You can't export those jobs.

But somehow the people on the President's economic team don't get that, or maybe from the back seat of their limousines they can't see that the bridges and the infrastructure are deteriorated, and they sure as heck aren't on the creaky public transit systems that are falling apart and here in D.C. killing people because the infrastructure is so outmoded and so substandard.

It is embarrassing for the greatest nation on Earth to be devolving toward a fourth-world infrastructure—we're not even third world. We are investing less of our GDP in our infrastructure than are many third-world countries. We are formerly first world, formerly world leader. Now we are watching our competitors around the world vault ahead of us with high-speed rail, with modern transit, with beautiful new highways, with safe bridges that are designed to current standards. But no, we can't afford it. And even if we could afford it, like taking some of that unspent TARP money or maybe some of the other unspent stimulus money, they don't want to do it downtown.

It's time for a new attitude downtown. Don't jeopardize the people of America with this kind of outmoded infrastructure anymore. Get it, guys. This means jobs, and it's something the American people believe in.

THE COST OF WAR IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I follow the gentleman from Oregon (Mr. DEFAZIO) and I do share his frustration as well. Mine is a little different, though. It is the cost of war in Afghanistan. My concern is, as the President has decided to send 30,000 additional troops to Afghanistan, I join my colleagues in both parties, and BARBARA LEE from California, in saying that we should debate this policy on the floor of the House.

I am one that is very upset that this Nation, since World War II, we never declare war anymore, we just pass resolutions on the floor and we give the President, whether it be a Republican or Democrat, the authority to make decisions to go ahead and send troops into certain areas.

I do agree with Mr. Obama, the war should have always been Afghanistan and we should not have gone into Iraq, but that is history now. The problem is we are 9 years after we went into Afghanistan and now we are trying to catch up for the 8 years we spent in Iraq.

Down in Camp Lejeune, which is in my district, the Third District of North Carolina, the day that Mr. Obama made the announcement that we would send 30,000 more troops to combat in Afghanistan, I want to read, Madam Speaker, just a few comments that were in the Jacksonville paper—again, that is the home paper for Jacksonville, North Carolina and, again, the home of Camp Lejeune Marine Base.

''With White House officials saying that President Obama will order about 30,000 more troops, including a brigade of marines from Camp Lejeune, into combat in Afghanistan, local military are reacting to the news with skepticism and concern.''

Further down in the article, it says:

Marine Sergeant Doug Copeland, who is scheduled to deploy with his 1st Battalion, 8th Marines in October, said he approved of the troop surge as a means to assist troops already on the ground, but believed a date for leaving the country was coming too late. ''We should have dealt with Afghanistan in the first place,'' Copeland said. ''We've already been in this war for 7 or 8 years. We've got to call it quits. Our country needs to focus on our country now.''

That is exactly what Mr. DEFAZIO was saying. This country is in bad financial shape, we are losing jobs every day, and what we need to do is concentrate on this country itself.

I will read just another comment, Madam Speaker:

''HM2 Cagney Noland, a corpsman currently with Combat Logistics Regiment 27, said he doubted the proposed timeline would see troops out of Afghanistan.''

Madam Speaker, the number of our troops with PTSD, with TBI, and with mental depression and anxiety is growing each and every day. Again, I have gotten to know many of the marines down at Camp Lejeune, from privates all the way up to generals. They will go and fight for this country, they want to do everything they can to defend this country and they will give their life, but we need to take into consideration the stress that we are putting on these troops.

There is another article I want to make brief reference to that was in the New York Times on December 3 by Nicholas Kristof. It's called, ''Johnson, Gorbachev, Obama.'' It is about the Vietnam War, it is about the Russians involved in Afghanistan, and now Mr. Obama's decision.

I am not trying to second-guess the President. He's got a very difficult job, and I wish him well. In fact, I was one of the few Republicans that thanked him for taking his time before he decided what the solution should be or what the strategy should be for Afghanistan. But Madam Speaker, I think that we as a Congress should debate the policy.

I said this just a moment ago, and I would like to say it again, I joined BARBARA LEE in a letter to the Speaker of the House asking the Speaker of the House to please let us debate the policy of what we should be doing in Afghanistan before we pass any type of supplemental to financially support the troops. So, therefore, it is my hope that maybe in January or February of 2010 we will be granted a debate on the floor, whether it be for sending more troops to Afghanistan or fewer troops to Afghanistan, and we will come closer to meeting our constitutional responsibility than we have done, truthfully, since World War II.

Madam Speaker, I would like to close as I always do. I have signed over 8,000 letters to families and extended families in this country because I regret that I ever voted to give President Bush the authority to send troops to Iraq. That is my pain that I've lived with, and writing the letters and signing the letters to the families is my way of saying I'm sorry that I did not meet my constitutional responsibility and vote my conscience on the floor of this House.

With that, Madam Speaker, I would like to close these brief comments by asking God to please bless our men and women in uniform, ask God to please bless the families of our men and women in uniform, and ask God to please, in his loving arms, hold the families who have given a child dying for freedom in Afghanistan and Iraq. I would like to ask God to please give the House and Senate strength to do what is right for the next generation. I would like to ask God to give strength and wisdom and courage to the President of the United States. And I close by asking three times, God please, God please, God please continue to bless America.

RETURN TO JOB GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. CONNOLLY) is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, in our ongoing efforts to stabilize the economy and ensure a return to prosperity, our focus must remain fixed on the saving and creation of American jobs. The actions of this administration and this Congress have shown progress. Job losses fell dramatically, and the unemployment rate dropped in November from 10.2 percent to 10 percent.

The recession began in 2007 and has been the worst since World War II. Unemployment hit a 26-year high, consumer confidence plummeted, the gross domestic product contracted at near unprecedented levels, the stock market plunged, home prices tumbled and foreclosures skyrocketed, and millions of Americans found themselves out of work.

Monthly job losses continued to worsen each month. In September of 2008, the monthly losses were more than 300,000. By December of 2008 and January of 2009, in the waning days of the Bush administration, job losses exceeded 700,000. And it wasn't just 2008. Under the Clinton administration, from 1993 to 2000 the average monthly private job growth was 217,000, one of the most robust job growths in American history. During the Bush 8 years, that average monthly job creation was just 2,000.

□ 1700

As this Congress and the Obama administration took office in January, we were facing a job market in free fall. We immediately took action on a number of fronts.

The Recovery Act provided critically important investments, saving or creating 1.6 million jobs so far. States and localities faced with growing budget deficits would have been forced to lay off hundreds of thousands of teachers, police and fire fighters, but the Recovery Act saved those jobs, including, in my district, 404 teachers in Fairfax County and 304 in Prince William County. The Recovery Act created thousands of additional jobs in road construction, clean energy, and medical research. Businesses in my district received at least 205 contracts, grants, and loans, totaling almost $200 million, thanks to the Recovery Act. They have had a noticeable impact.

The employment rate in my district began to fall in advance of the national rate, declining in October from 5.3 to 5.2 percent in Prince William County, and from 4.7 to 4.5 percent in Fairfax, half the national average.

The House of Representatives reauthorized the COPS program, which will add 50,000 police officers nationwide. The 21st Century Green Schools Act and the Student Aid and Fiscal Responsibility Act invested billions of more dollars to modernize public

schools and community college campuses, creating tens of thousands of new construction jobs. The American Clean Energy and Security Act creates incentives for new research and development, creating thousands of new job opportunities related to the production of advanced batteries, wind turbines, solar power, and other sustainable technologies. In addition, Madam Speaker, we passed a number of bills to spur small business job creation through tax incentives and employment opportunities for our veterans.

Ultimately, for sustainable job growth, the private sector must feel comfortable to return to hiring employees. Large companies will not expand while the value of their firm drops. Small companies will not expand while the owners' assets are disappearing. And those assets did drop. From its high of over 14,000 in October of 2007, the Dow Jones Industrial Average began a precipitous decline to just over 6,600 in March of this year. Since then, thanks to our actions, the market has recovered more than 50 percent.

Companies will not expand while consumer confidence declines, and it did decline to 25 points in February of this year, the lowest level since the conference board's inception in 1967. Since then, thanks again to our actions, consumer confidence has continued to improve, hitting 48.7 in October, almost doubling.

Companies will not expand, Madam Speaker, while the national economy is contracting, and it did indeed contract, starting in the third quarter of 2008. It declined an astounding 6.3 percent in the fourth quarter and 5.7 percent in the first quarter of 2009, but our actions have helped. GDP increased 2.8 percent in the third quarter of 2009 and continues to grow this quarter as well.

This February, the horrific pace of job losses began to ease. Job losses in May fell to 300,000. In August through October, they averaged 135,000 a month. In November, just 11,000 jobs, net, were lost in the American economy, continuing to contribute to the decline in the unemployment rate.

Madam Speaker, we're not out of the woods just yet. Millions of Americans are still out of work. But we've started to turn the economy around. We've begun to stabilize the stock market, the housing sector, and the GDP. Madam Speaker, we've begun to create conditions for job growth, and now we must partner with the private sector to ensure that millions of Americans can return to work.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. DICKS) is recognized for 5 minutes.

(Mr. DICKS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONGRATULATIONS TO THE REDMEN OF SMITH CENTER HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, on the Kansas prairie, in a small town named Smith Center, an exceptional tradition has been built and maintained over the course of decades. The Redmen of Smith Center High School have achieved great things on the football field.

There are few, if any, high school football fans in Kansas who are unaware of Smith Center's reputation. The parents and boosters of Smith Center High School have watched with pride as their sons bested opponents on the gridiron in 79 consecutive contests. Coach Roger Barta and his Redmen football team have won over 300 games in the past 32 seasons. They've racked up eight State championships, five of them in a row.

Smith Center was on the longest active 11-man high school football winning streak in the Nation. The streak was snapped in the Kansas State 2–1A championship game 2 weeks ago. Every player on the Redman football squad, from freshman to senior, experienced their first high school defeat at the hands of the Centralia High School Panthers. It was a heartbreaking loss for an extraordinary group of boys.

I had the opportunity to participate in several pregame coin flips over the past few seasons, including this year's State title game. Each time I witnessed a very talented football team with a very spirited group of fans. Yet, all the success the team has enjoyed on the field has never been what makes them so remarkable. Football is just what attracts notoriety and our applause. It's the building of character and lifelong traits that matter in Smith Center. Following their first loss in 6 years, Coach Barta reminded his players, ''We've never judged ourselves on wins and losses.''

The truly exceptional work being done on the plains of Kansas is the development of character in the boys of the Smith Center football team and the students of Smith Center High School. It is the respect each athlete is taught by their coaches. It's the insistence of integrity insisted upon by their teachers. It's the values instilled in each son by their parents and community.

Joe Drape, a New York Times Sports writer, recently authored a book entitled, ''Our Boys: A Perfect Season on the Plains with the Smith Center Redmen.'' In his book, Mr. Drape extols the virtues we, in rural America, hold dear. Humility, sacrifice, unwavering commitment, all are characteristics that are exemplified by the Redmen and their fans. Additionally, as I was told by one of the game officials after the State title game, this is the only team that year after year, every game, they gather on the field, hold hands, and a prayer is offered by one of the coaches or one of the players on the team.

Redmen football is what received the attention, but behind the scenes is where the most impressive and longest lasting accomplishments are discovered. Football is simply a teaching tool used by the community. Coach Barta was quoted in the book as stating, ''None of this is really about football. What we're doing is sending kids into life who know that every day means something.''

This attitude exemplifies the teaching, coaching, and parenting philosophy of rural America. Our population may be dwindling and our communities aging, but our commitment to raising good children and preparing them for life after high school is something that will never diminish. School pride is important to a community, but it pales in comparison to the role a teacher, coach, or parent plays when he or she helps a child succeed. I'm thankful that Coach Barta and his staff understand this, and I'm thankful to come from a part of the country that understands this.

Congratulations to the Smith Center Redmen, their football team, for their remarkable success, and thanks to the team, the community, and the school that are such great ambassadors for our way of life on the plains of Kansas.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE LIFE OF REAR ADMIRAL DAVID M. STONE, USN (RET.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Madam Speaker, I rise to honor and mourn the loss of a great American. Rear Admiral David M. Stone, United States Navy (Retired) recently passed away, and as a result, we are a lesser Nation. He was a proud son of Illinois, not the Commonwealth of Pennsylvania, my State, but I am compelled to see that the achievements of this remarkable man are forever captured in the record of our proceedings because Dave Stone was my shipmate.

We graduated from the United States Naval Academy in 1974 and served together as fellow Surface Warfare Officers at sea and ashore for nearly three decades. In the course of those years, I witnessed Dave Stone consistently offer our Nation all of his enormous talent and energy. At the Academy, he led Navy's basketball team with an unmatched passion and competitive spirit.

Upon commissioning as an ensign, he went to sea with the work ethic, sense of responsibility, and selflessness that characterized the very best of the graduates of Annapolis, his reputation across the fleet reflecting an unfailing dedication to leading sailors from the front, by example, and with a total commitment to their personal and professional excellence. He never forgot the importance of a sailor's family, and he put in countless hours tending to the concerns of the parents, wives, and children who sacrifice so much in offering their loved ones to the naval service.

Tactically, his fighting spirit and natural sense of competition drove him to constantly press his systems, operators, and decisionmakers to outthink and outfight every adversary. When our fleet was challenged by serious maintenance concerns, he rolled up his sleeves and took charge of the most complex engineering plant the Navy had devised. He set a standard for engineering readiness that astounded only those who did not know him. As a result, his rise through the ranks was deservedly fast.

Every ship and sailor he served reached new standards of excellence. He commanded the USS *John Hancock* (DD 981), Destroyer Squadron 50, NATO's Standing Naval Force Mediterranean, and the USS Nimitz Aircraft Carrier Battle Group with skill, courage, and extraordinary professionalism.

He was the officer our Nation needed in the Persian Gulf as that theater became increasingly dangerous. He was the surface warrior best qualified to support actions in the Adriatic that helped close hostilities in Kosovo quickly and favorably. On his promotion to admiral, he was an officer with precisely the strategic vision, intellect, and sense of the world our Navy and Nation needed to meet the challenges of the 21st century.

Following retirement from the naval service, his patriotism and sense of responsibility continued unabated. As the first Federal Security Director at Los Angeles International Airport, and later as head of the Transportation Security Administration, he helped secure our national transportation infrastructure so quickly and so completely that his work stands out as one of our government's greatest and most impressive post-9/11 achievements.

However, Dave always considered his greatest achievement the fortune to fall in love with and marry his wonderful bride, Cynthia Faith Voth of Clearwater, Florida. Together, Dave and Faith represented all that was right and good about life in the naval service. They were partners and best friends through the joy and pain of countless deployments, household moves, and the pressures of ever increasing responsibilities for the safety of our Nation's greatest treasure—the young men and women who wear the uniform of our military.

Madam Speaker, I ask that we pause to reflect upon the many contributions Admiral Dave Stone made to our country and the world and to thank Faith Stone for inspiring her husband to serve us all so proudly. Through the pain and frustration of losing this great shipmate, everyone who knew, loved, and respected Dave is comforted by the fact that today, there are countless Midshipmen at Annapolis who will follow his example and seek to model their life on his legacy. Therein lies the greatness of the United States Navy and our Nation and our shipmate and classmate, Dave Stone.

DEMOCRACY IN HONDURAS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, following the antics of Zelaya, Chavez, and Ortega, there were growing concerns over the ability of free people in the Western Hemisphere to defend democratic principles and institutions against the assaults of these and other oppressors belonging to ALBA. However, the fierce commitment to democracy and the rule of law demonstrated by the people of Honduras have renewed our optimism about the future of freedom and the consolidation of democracy in our region.

Last week the Honduran National Congress voted decisively to reject Manuel Zelaya's return to office. The Supreme Court made the same ruling months ago, and now it is final. The Honduran Supreme Court, the Attorney General, the National Commission for Human Rights, and the Honduran General Accounting Office were all consulted prior to this congressional vote and unanimously rejected Zelaya's return.

□ 1715

The United States has accepted the decision as a matter left to the discretion of the national Congress, and even some of Manuel Zelaya's strongest supporters inside Honduras have finally publicly stated that their mission is no longer publicly focused on his resolution.

The writing is on the wall, Madam Speaker. The people of Honduras are ready to write the post-Zelaya chapter of their nation's history. The newly elected President, Porfirio Lobo Sosa, has already taken steps to help bring national reconciliation to Honduras. Last week, he began meeting with individuals from broad spectrums of the Honduran government and society to discuss long-term goals for the future and stability of Honduras, and he has already warned Chavez not to intervene with Honduras' sovereignty.

The Honduran people have had enough of Chavez's meddling in their internal affairs. It is time for responsible nations—and specifically for us in the United States—to turn the page and rebuild the relationship with the people of Honduras.

I am pleased that the Obama administration has finally lifted the travel alert on Honduras, which has had a severe economic impact on the well-being of American businesses operating in the country. However, this is just the beginning. Honduras is a traditional ally of the United States and a vital partner to us in our regional counternarcotics effort. It is under attack by narcotraffickers and their violent network. Just this morning, General Julian Aristides Gonzalez, the top anti-drug official in Honduras, was assassinated. Witnesses report that his body was riddled with bullets. General Gonzalez and other high-ranking law enforcement officials engaged in the counternarcotics efforts in Honduras are declared targets of the drug-trafficking network in the country. The use of Honduras as a drug transit country threatens our vital security interests.

As such, the U.S. must immediately restore all assistance, particularly counternarcotics cooperation, to Honduras. Visas and other nonsecurity-related assistance must also be reinstated.

Today, Honduran President-elect Lobo travels to San Jose to meet with President Oscar Arias. Tomorrow he will meet with Panamanian President Ricardo Martinelli in Tegucigalpa. Also on Thursday, Lobo will visit the Dominican Republic to meet with President Leonel Fernandez.

Meanwhile, Zelaya stays hidden. He cannot face the truth of his transgressions. He has said, ''As long as I have Brazil's support, I will be here.'' Well, Brazil, the OAS and any other country or body should not help him be so cowardly. The OAS should stand up to Zelaya and the enablers of oppression so that freedom can prevail.

Regrettably, the MERCOSUR countries—of which Brazil is a member—announced during their meeting just today that they will not recognize the Honduran elections. But the Honduran people will not be deterred. They have spoken loud and clear. The Honduran people were brave enough to put their principles to the test. They looked to their Congress, they looked to their Supreme Court, and finally they looked to themselves and carried out peaceful and successful elections.

In closing, Madam Speaker, I would like to quote from Honduran President-elect Lobo, who perhaps best summarized recent developments in Honduras. Following his victory—which was resounding—he said, there were ''no winners or losers, only democracy has triumphed. I am happy looking toward to the future. You keep asking, 'And Zelaya?' Zelaya is history, he is part of the past.''

Madam Speaker, may democracy and freedom continue to triumph in the hemisphere and throughout the world.

Thank you for the time.

REQUIRE THE PRESIDENT TO WITHDRAW FROM AFGHANISTAN AND PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

Mr. KUCINICH. Madam Speaker, this morning I stood before this House and pointed out that The Nation magazine did an investigation that showed that U.S. tax dollars were going to U.S. contractors who then gave the Taliban money so that the Taliban wouldn't attack a shipment of U.S. goods to U.S. troops. And of course U.S. troops would use those resources to attack the Taliban.

The war in Afghanistan is a racket. We have a strategy to pay off insurgents, warlords, the Taliban, in pretending that somehow this practice is going to help make an already corrupt central government more stable. I have been in this House now for seven terms, and I have seen the slow and steady erosion of the Constitution of the United States and, in particular, congressional authority with respect to article 1, section 8 of the Constitution, which very explicitly puts the power to create war in the hands of the United States Congress, not in the hands of the executive.

When the Founders crafted the Constitution, they were very clear that they did not want a monarchy. They wanted to what was called ''restrain the dogs of war'' by placing the power to commit men and women into combat in the hands of an elected Congress, in this case in the hands of the House of Representatives. Unfortunately, over a few generations, we have seen that power of Congress erode.

Today, according to ABC News, Hamid Karzai, the President of Afghanistan, in a joint press conference with Secretary of Defense Robert Gates, said that his country's security forces will need financial and training assistance from the United States for the next 15 to 20 years.

Now, since we're already spending at least $100 billion to $150 billion a year in Afghanistan, we are now committed, through Mr. Karzai, we're embarked on a strategy that could lead us to spend $2 trillion, maybe more.

We've had speakers precede me today speak about the need for jobs in the United States. It goes without saying we should start taking care of things here instead of endeavoring to pour our resources into a corrupt administration, and furthermore, engage in a kind of corruption through trying to pay off warlords and even the Taliban to create shipments to our troops.

As President Obama prepares to escalate military operations in Afghanistan and Pakistan, we must reinstate our prerogative as it relates to war. The United States has been involved in military action—both in Afghanistan and Pakistan—since the inception of this administration despite the fact that the President has never submitted a report to Congress pursuant to section 4(a)(1) of the War Powers Resolution.

Madam Speaker, when Congress returns in 2010, I intend to bring to the floor of the House privileged resolutions reasserting this congressional prerogative. My bills will trigger a timeline for timely withdrawal of U.S. troops from Afghanistan and Pakistan, invoke the War Powers Resolution of 1973, and secure the constitutional role of Congress as directly elected representatives of the people under article 1, section 8 of the Constitution for Congress to decide whether or not America enters into a war or continues a war or otherwise introduces Armed Forces or materials into combat zones.

Despite the President's assertion that previous congressional action gives him the authority to respond to the attacks of September 11, 2001, a careful reading of the authorization of military force makes clear that this authorization did not supersede any requirement of the War Powers Resolution and therefore did not undermine Congress' ability to revisit the constitutional question of war powers at a later date.

We will have an opportunity in this House in January to vote on this issue of Afghanistan and Pakistan, and I urge my colleagues to join the resolution, which I'll begin to circulate the notice of starting tomorrow.

Thank you.

RESOLUTION ON THE IMPORTANCE OF SCIENTIFIC INTEGRITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HALL) is recognized for 5 minutes.

Mr. HALL of Texas. Mr. Speaker, in the last few weeks there has been some very disturbing correspondence that's surfaced and presents a real dilemma for the scientific community and an even greater dilemma for this Congress as the United Nations Climate Change Conference begins in Copenhagen.

As ranking member of the Science Committee, I'm concerned about these revelations dubbed by the press as ''Climate-gate'' and their implication for the scientific community, Congress, and the American people. Allegations of manipulation of scientific data would be troublesome under any circumstance. The fact that the scientific data in question here is to be used as the basis for global agreement to limit greenhouse gas emissions or changes to the regulatory regime of the United States makes these allegations that much more disturbing.

I've introduced a resolution which highlights concerns about moving forward with greenhouse gas emissions regulations or an agreement in Copenhagen on the basis of scientific data which email exchanges indicate has been manipulated, enhanced, or deleted in order to advance a political agenda. Forcing Americans to meet carbon emission reductions may worsen our high unemployment rate and slow our economy while other nations advance their own growth at our expense.

Considering the loss of confidence in the scientific process, it's even more troubling that policymakers are pushing forward with a scheme that could irrevocably alter our economy and our prosperity.

In the past few weeks, through the disclosure of more than a thousand emails, there is extensive evidence that many researchers across the globe discussed the destruction, alteration, and suppression of data that did not support global warming claims. These exchanges include a leading climate scientist encouraging other scientists to alter data that is the basis of climate modeling across the globe by using the ''trick of adding in the real temps to each series . . . to hide the decline [in temperature].''

The U.S. National Science and Technology Council defines research misconduct as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results.

All of this would be troubling enough on the basis that much of this research is taxpayer funded. However, it is even more troubling when one considers that this data is held up as the reason to implement new regulations and laws and potentially enter into global agreements, all in the name of reducing emissions. Policymakers are asking citizens to agree to alter the economic structure of our country and possibly sacrifice jobs in the name of preserving this warming planet, even as these scientists fail to follow accepted scientific practices and seek to stifle contrary points of view.

Federal policy for addressing research misconduct requires a full inquiry and investigation of the misconduct, as well as a correction of the research record, and potential referral to the Department of Justice. I have sent a letter to the chairman of the Science Committee asking there be an investigation into these matters.

Even more troubling is that these exchanges describe attempts to silence academic journals that publish research skeptical of significant man-made global warming and refer to efforts to exclude contrary views from publication in the scientific journals. Some scientists even encouraged the deletion of data and emails to avoid disclosure in the event of a Freedom of Information request.

All of this presents a troubling pattern of attempts not only to misrepresent the data on global warming to meet expectations contained in the theories, but also to silence any dissenters and cover up inappropriate data manipulation.

□ 1730

The emails show that raw data not meeting the expectations of the scientists or showing a pattern of warm

were altered and the raw data in question was destroyed so as to ensure no further examination. When accepted scientific practices are not followed, there can be implications well beyond the scope of the narrowly focused project. I believe that this is the situation we have before us.

These documents reveal actions that may constitute a serious breach of scientific ethics and violation of the public trust. Certain actions appear to qualify under the definition of U.S. Federal policy on research misconduct.

While this investigation is an important step, the resolution states that the United States should not consider limitations on emissions until sufficient scientific protocols and a robust oversight mechanism have been established to preclude future infringements of public trust by scientific falsification and fraud.

In addition to the economic and regulatory concerns about international climate agreements, Congress should not allow any agreement with any other country nor agree to legislation or regulatory action that will irrevocably alter our economy until we can be assured that this data which forms the basis for these laws and agreements is based on sound science obtained and maintained using traditionally accepted scientific principles. Signing an internal protocol in Copenhagen, especially one based on questionable science, is un-American and will kill jobs.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

(Mr. DEAL of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BITTER FRUIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, I wish everyone would listen to these words from a column in the current issue of the American Conservative magazine. This column says: ''We ran Saddam out of Kuwait and put U.S. troops into Saudi Arabia, and we got Osama bin Laden's 9/11. We responded by taking down the Taliban and taking over Afghanistan, and we got an 8-year war with no victory and no end in sight. Now Pakistan is burning. We took down Saddam and got a 7-year war and an ungrateful Iraq.

''Meanwhile, the Turks who shared a border with Saddam, have done no fighting. Iran has watched as we destroyed its two greatest enemies, the Taliban and Saddam. China, which has a border with both Pakistan and Afghanistan, has sat back. India, which has a border with Pakistan and fought three wars with the country, has stayed aloof. The United States, on the other side of the world, plunged in. And now we face an elongated military presence in Iraq, an escalating war in Afghanistan, and potential disaster in Pakistan, and being pushed from behind into a war with Iran.''

And then in the December 3 issue of The Washington Post, it says: ''President Obama's new strategy for combating Islamist insurgents in Afghanistan fell on skeptical ears Wednesday in next-door Pakistan, a much larger, nuclear-armed state that Obama said was 'at the core' of the plan and had even more at stake than Afghanistan. Analysts and residents on both sides of the 1,699-mile border expressed concerns about Obama's plan to send 30,000 more troops into Afghanistan.''

And on that same day, The Washington Post had a headline that said: ''A deadline written in quicksand not stone.''

Now, I think most Americans feel that 8 years in Afghanistan is not only enough; it's far too long. After all, we finished World War II in just 4 years. Now under the President's most optimistic scenario, we are going to be there another year and a half, that's 9½ years, and we're going to be there, we have 68,000 troops there now. They want to add 34,000 more at a cost of $1 billion per thousand per year, which means over $100 billion a year.

The Center for War Information says we've already spent almost a half trillion dollars in war and war-related costs in Afghanistan at this point.

And then I would like to ask, Who is in charge? Because this weekend on the interview program, Secretary of State Clinton and Secretary of Defense Gates said, Well, the year and a half withdrawal plan presented by the President at West Point really doesn't mean anything, that we're going to be there probably another 3 or 5 more years. That would bring our time there to 11 or 13 years. That is ridiculous in a country like Afghanistan, a very small country where we are fighting a very small force that has almost no money.

And then I understand from one of the previous speakers that President Karzai said that he needs American troops to be there another 15 or 20 more years. Well, he wants our money, that's for sure, like any gigantic bureaucracy. And what does any gigantic bureaucracy want? They want more money and more employees. So the Defense Department, being the most gigantic bureaucracy in the world, is going to continue to want more money and more personnel.

But when we have a $12 trillion national debt and almost $60 trillion in unfunded future pension liabilities, Madam Speaker, we simply can't afford it. We have to start putting our own people first at some point. It's not going to be long before we're not going to be able to pay our Social Security and veterans' pensions and things we have promised our own people with money that will buy anything, if we keep spending hundreds of billions for very unnecessary wars.

Now, I would like to mention just a couple of things about Pakistan. In the Los Angeles Times on November 1 in a story about Secretary Clinton's visit to Pakistan, it said: ''At a televised town hall meeting in Islamabad, the capital, on Friday, a woman in a mostly female audience characterized U.S. drone missile strikes on suspected terrorist targets in northwestern Pakistan as de facto acts of terrorism. A day earlier, in Lahore, a college student asked Clinton why every student who visits the U.S. is viewed as a terrorist. The opinions Clinton heard weren't described in voices of radical clerics or politicians with anti-U.S. agendas. Some of the most biting criticisms came from well-mannered university students and respected, seasoned journalists, a reflection of the breadth of dissatisfaction Pakistanis have with U.S. policies toward their country.''

This is a country, Madam Speaker, that the Congress in a voice vote at a time when almost no one was on the floor, most Members didn't even know it was coming up, voted to send another $7.5 billion in foreign aid to Pakistan on top of $15.5 billion that we've spent since 2003 there already.

This is getting ridiculous. A country that we are sending billions and billions and billions in foreign aid to, and it's becoming so anti-American, and they don't appreciate this aid at all. We simply can't afford to keep doing these ridiculous and very wasteful expenditures. And I will say again, we need to start putting our own people first once again.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. AKIN) is recognized for 5 minutes.

(Mr. AKIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CLIMATEGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Madam Speaker, yesterday the U.N. climate change summit in Copenhagen, Denmark, began. The work of the summit is supported in large part by the research developed by the Intergovernmental Panel on Climate Change, or the IPCC. This panel is responsible for assessing the state of scientific knowledge related to climate change and reporting its findings to the convention.

And it is not a stretch to say that policymakers in the United States and

many other countries rely upon and use the data compiled by the IPCC as a basis for making predictions on future climate conditions and setting policy to limit potential causes of climate change.

The emails that emerged recently from the University of East Anglia call into question the accuracy of the IPCC data. There is evidence that researchers suppressed science and data that did not conform to their preferred outcomes.

I would like to read from one of the emails that was discovered:

''I can't see either of these papers being in the next IPCC report. Kevin and I will keep them out somehow—even if we have to redefine what the peer-review literature is.''

This is scary. The availability of accurate, objective, and scientific data is essential for decision makers. Given that the data was manipulated and hidden and that opposing data was potentially suppressed, it's clear that the United States should not commit to any international agreement on climate change or implement a domestic regulatory system that could damage the economy and kill jobs.

And I'm proud to be a cosponsor of Ranking Member HALL's resolution regarding scientific protocols and peer review standards. Science is based on facts and data, but there is also an element of trust when public policy and science meet. If that trust is broken, it is irresponsible for government to legislate on half-truths, incomplete findings, and bogus claims.

This administration promised openness and transparency, and they use science as a primary means to demonstrate that practice. It's time for the administration to stand up for the principle of openness, even if it means exposing findings that don't meet their preexisting policy initiatives.

CLIMATEGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, a number of physicians would tell you that longevity is based only on genetic make-up. But you might ask them, Doctor, if I were to diet and exercise safely, might I extend my life? Well, most physicians would say, If you can do it safely, go ahead.

That is really what I think we should be talking about when it comes to climate change. If we can do it safely as to the economy, we should act. If we can't do it safely, then we should hold up.

In the case of cap-and-trade, which has passed this floor, unfortunately, and is pending now in the other body, it can't be done that way. In other words, it will harm the economy. We are talking about a tax increase in the midst of a recession. We are talking about a Wall Street trading scheme that would make some traders blush, and it punishes American manufacturing. So for all those reasons, I wish cap-and-trade were off the table. Hopefully, it falls apart over in the other body.

Then the question is, Could we act in some way that is sort of like the longevity question? It might not extend our lives, but on the other hand, would it hurt us? And in this case, what we are looking for is something that would work that wouldn't hurt us, that wouldn't hurt our economy.

And what I have proposed is a 15-page alternative to the 1,200-page cap-and-trade, and that 15 pages describes a tax cut on payroll and a shift on to emissions, the result being that we would change the economics of the incumbent fossil fuels and begin replacing them with better fuels that can create jobs and improve the national security of the United States.

Along the way, though, I think the big debate about whether the climate change models are right, and it's very important that we get it right as to those models, but that process is going to take a long time. It's going to take a longer time with this setback here recently with the revelation that various climate data has been manipulated.

What we have here is a teachable moment for all scientists everywhere that when this kind of misconduct occurs, the result is all of science is questioned. It's not a good result because the reality is we need this science to advance, and we need it to advance in a transparent way where the evidence can be pushed on and replicated if it's accurate. If it's not accurate and can't be replicated, it's rejected. But in the rejection, we learn, and science advances.

So I join with Ranking Member HALL in asking for a full investigation of these revelations about the manipulation of data because we need to get to the bottom of it. Especially in the Science Committee, we need to use this as a teachable moment to figure out how to advance science, true science, without manipulation of data in calling to account those who have manipulated data. In the process, we will all learn a lot about the climate models, we will advance science, and we will make better public policy.

CLIMATEGATE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. According to the American Physical Society, science is the systematic enterprise of gathering knowledge about the universe and organizing and condensing that knowledge into testable laws and theories. The success and credibility of science are anchored in the willingness of scientists who, number one, expose their ideas and results to independent testing and replication by others. This requires the open exchange of data, procedures and materials, and, two, abandon or modify previously accepted conclusions when confronted with more complete or reliable experimental or observational evidence.

Adherence to these principles provides a mechanism for self-correction that is the foundation of the credibility of science.

□ 1745

Madam Speaker, the recent emails out of the University of East Anglia on the subject of climate change call into question the scientific integrity of several of the researchers involved in developing the climate science that is being used by decisionmakers around the world. While allegations of fraud and manipulation in the scientific community are troubling in and of themselves, they are even more concerning when the data in question is being used by United Nations negotiators as the basis for a global agreement to limit greenhouse gases. Such a situation should give international and domestic negotiators pause on the eve of the U.N. Framework Convention on Climate Change in Copenhagen.

Recent events have uncovered evidence from the Climate Research Unit at the University of East Anglia, which show that researchers around the globe discussed hiding, destroying, and altering climate data that did not support their narrow global warming claims. Their emails further indicate an attempt to silence academic journalists who publish research that is at odds with their ideology, and they even refer to efforts to exclude contrary views from publication in scientific journals.

Scientific research should meet high standards of quality and should not be held hostage to the ideologies of those presenting the data. It is beyond comprehension that we would even consider implementing a carbon reduction scheme which will irrevocably alter the economy and lead to more joblessness based on these fabrications. Before we move any further, we must restore scientific integrity to the process.

Recent events really show that this has not happened. The hacked emails provide evidence that researchers suppressed science and data which did not conform to the preferred outcomes. For example, one researcher commits himself to ensuring that no nonconforming science will be mentioned in the IPCC's fourth assessment report. He writes, ''Kevin and I will keep them out somehow even if we have to redefine what peer-review literature is.''

As a senior member of the House Science and Technology Committee, I cannot stress enough how important the availability of objective scientific data is for both decisionmakers and researchers. When it comes to our economy and environment, we cannot afford to make decisions on the basis of corrupted data.

With this in mind, the President should call on the IPCC to establish a robust oversight mechanism governing its work before further climate legislation or regulatory measures are taken. Such action is necessary to prevent future infringements of public trust by scientific falsification and fraud.

THE UNITED STATES—A LEADER IN ENERGY INDEPENDENCE AND CLEAN ENERGY JOB CREATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MARKEY of Massachusetts. Madam Speaker, without question, we are now engaged in an historic debate, and that debate is over the question of whether the United States is going to become a leader and not a laggard on the question of climate change and energy independence and clean energy job creation in our country.

What is happening on the Republican side is that they have decided to engage in a phony debate—in a debate about science, which is, in fact, not debatable, in a debate about whether the United States should be the leader in green job creation and energy independence, which should not be debatable. So let's begin first with the science.

The science is quite clear. Over the last 130 years, there has been a tracking of the temperature of the planet. It is clear that we have now entered, as the world has industrialized, a period of rapid warming of the planet. In fact, since 2001, 9 of the 10 warmest years in the history of our country have been recorded. Nine of the 10 warmest years in the record. So this trend line, this rapid warming of our planet, is something which, of course, is of great concern because glaciers melt. The Arctic ice cap melts. The deserts in Africa, in Asia begin to widen. Water evaporates. The world, as a result, sees fundamental changes in the way in which it operates. So this undeniable increase in warming due to the CO_2, the greenhouse gases which are going up into the atmosphere, is something which we really don't have an ability to debate.

What the Republicans have done is they have taken a couple of emails from some scientists who had a fight scientifically over whether or not they would be properly characterized at some point in the past, and they have taken that as an entree to question the consensus that has been reached by the National Academy of Sciences of every country in the world. It's kind of their death panel equivalent for the climate debate, for the energy debate. How can we find something that's irrelevant—minor—and elevate it to the point where it obscures the need for us to really debate the big issues that are in front of us?

So this warming trend is absolutely indisputable. What they contend is that, at this point, it really hasn't spiked that much higher in the last 10 years. It has stayed at this relatively high, historical plateau. So their concern is that there needs to be a reevaluation as to whether or not the planet is actually warming.

It's kind of like saying to a mother, Well, you know, the average temperature is 98.6 for all human beings, and little Joey's temperature is now up to 100.6, 2 degrees higher, but it has only been there for the last 10 days, so don't worry about it. That's the new normal for his temperature, 100.6. Who as a parent would ever accept a 2-degree increase in temperature for 10 days as being the new normal?

Well, that's what they're saying about the temperature of the planet. The planet is running a fever. There are no emergency rooms for planets. We must engage in preventative care; but what they are saying is that this new temperature is the new normal, the new temperature for the planet, even though we can see the beginnings of the catastrophic consequences of having that temperature at such a high level.

So this debate does turn on science. Ours is irrefutable. No one denies even on their side that the temperatures have risen dramatically. They don't debate that. They don't debate that the Arctic ice cover is eroding rapidly. They don't deny that there has been a 30 percent increase in the acidification of our oceans. They don't deny that it has become 6 degrees warmer in Alaska during the winter over the last 50 years. None of this do they deny, but what they really are trying to do is to stop any legislative attempt, any international attempt to put together a set of solutions for these problems. That's really at the heart of this matter.

So, as we move forward, the issue for us is: How do we deal with it? Well, you know, I thought I would think through some analogy that we could use, and what I thought about was baseball.

In baseball, going back to 1920 when Babe Ruth was playing, the average number of players in the Major Leagues who hit more than 40 home runs in a season was 3.3 players. That goes all the way from 1920 up until very recently. So that covers Babe Ruth, Mickey Mantle, Willie Mays. That's why they were so famous. Anyone who could hit more than 40 home runs was very famous.

Then all of a sudden, beginning about 20 years ago, more and more players started hitting more than 40 home runs. Major League Baseball said, Well, don't worry about it. The players are getting stronger. Don't worry about it. The ballparks must be getting smaller. Now, some people said, Maybe, just maybe, the players are injecting steroids into themselves; but Major League Baseball said, No, no, no—don't worry about it—until finally we reached a point where 10 players were hitting 40 home runs, where 15 players were hitting 40 home runs, where 17 players were hitting 40 home runs. They just weren't breaking Babe Ruth's record. They were blowing that record away. They were just so much stronger.

Then all of a sudden, baseball decided, because of congressional intervention, to start testing for steroids. Guess what happens? After they start testing for steroids, all of a sudden, very quickly—just over the last 3 years—the same average for 40 home run hitters that existed from 1920 has been restored. The American League leader only had 39 home runs this year. I wonder why that happened? Maybe because they tested for the injection of artificial stimulants into baseball players.

Well, the same thing is true when it comes to our planet. When you inject artificial stimulants into the atmosphere, you get warming. You are now playing with Mother Nature. The warming of the planet has dramatic consequences for all of its inhabitants, and we in the United States are not immune to the consequences. We are going to be radically adversely affected by the impact. So what is the solution?

Well, you might remember just about a year and a half ago that President Bush went to Saudi Arabia. At a point when we had gas prices up around $4 a gallon and at a point when our economy was starting to teeter on the brink because of this impact of oil, President Bush went to Saudi Arabia.

President Bush said to the Saudi prince, Please produce another million barrels of oil a day that we could purchase from you. Send us more oil. Have us buy more of your oil at $147 a barrel.

That was a low point in American history. By the way, do you know what the Saudi prince said to President Bush?

The Saudi prince said, I will consider selling more oil to you at $147 a barrel, but you must first promise me that you will start selling nuclear power plants to Saudi Arabia.

Do you know what President Bush's response was to the Saudi Arabians?

We will start selling nuclear power plants to you.

Now, which country in the world does not need nuclear power for its electricity? Which country in the world has so much sun, so much wind, so much oil, so much gas that to build a nuclear power plant would really be a waste of money? I wonder why the Saudi Arabians would want nuclear power—uranium? plutonium? Yet that is the promise that President Bush made to the Saudi Arabians.

We are in the midst of a debate over climate, in a debate over some emails. Who do you think partnered with these skeptics? Who do you think has partnered with the Republican Party in now questioning the validity of climate change?

□ 1800

The Saudi Arabians yesterday said, we want an investigation. We want an

investigation as to whether or not there really is climate change affecting the planet. Now, I wonder why the Saudi Arabians, the number one producer of oil on the planet, the number one exporter, would start to question climate change, start to try to throw some doubt into whether or not the world should be moving away from imported oil, moving away from this dependence on Middle Eastern oil.

I wonder why they would be the partner with the American Petroleum Institute on this issue, in the same way that maybe you would wonder why the American Tobacco Institute used to question whether or not smoking caused cancer and all of the science which they funded at the American Tobacco Institute as these fumes were being inhaled by people and by children and those families.

Well, now we have a different kind of fume that has been going up from coal-fired plants, from oil that is consumed in our country and around the planet. We know that there is a dangerous warming of our planet, a dangerous impact.

Yet, like the American Tobacco Institute, the American Petroleum Institute says, well, let's question what's going on. The Saudi Arabians say, let's question what's going on. Maybe we don't want to move too fast.

Well, let me tell you something. In 1970, when the United States was just really beginning to get addicted to imported oil, we imported about 20 percent of the oil which we consumed in the United States. Well, today, ladies and gentlemen, we import 57 percent of the oil that we consume, and we import it from very dangerous places in the world.

As a matter of fact, here is an astounding number. One half of our entire trade deficit is from imported oil. Everything else that we import combined is equal to the price we have to pay for oil to bring it into our country. We produce fewer than 8 million barrels of oil a day, we import more than 11 million barrels of oil a day. Over the course of the year, oil accounts for half of our trade deficit.

Now, here is another astounding fact. Three percent of the world's reserves of oil are controlled by the United States, but we actually consume 25 percent of the world's oil every day, 3 percent of the world's oil reserves, 25 percent of the consumption.

Now, you keep that going for another 5 years, 10 years, 20 years, you can see what that's going to do to our national security. You can see what that's going to do to our trade deficit. You can see what that's going to do to a new clean-energy jobs revolution.

Those that want this revolution to be stopped, this revolution consisting of wind energy, solar energy, geothermal, biomass, all-electric vehicles and hybrids, buildings that are twice as efficient so that we don't have to use all that energy. All of the opponents, of course, are going to jump on this very, very, very thin reed and try to use it as a way of undermining our ability to pass historic legislation and the world's ability to come together to create historic international agreements to reduce the amount of fossil fuels that we burn in our atmosphere.

People say, oh, can you do it? Is it possible for the United States? Is it possible for us to lead in this new direction?

Well, I would point back to the 1990s. In the 1990s, we were still living, unfortunately, in this kind of black rotary-dial phone world. We were living in a world where cell phones were about the size of a brick, it cost 50 cents a minute to make a call and people didn't have cell phones in their pocket. We had to change the laws in the United States.

Well, I happened to be the chairman of the Telecommunications Subcommittee at that time. If we wanted an 18-inch satellite dish that people could buy, we had to change the law. If we wanted cell phones that people could have that had data, video, voice, and they paid under 10 cents a minute, we had to change the laws. If we wanted to have broadband in our country, rather than narrow band, if we wanted to have a capacity to have Google, eBay, Hulu, Amazon, Twitter and YouTube, we would have to change the laws.

Now, of course, there were many people, led by the Chamber of Commerce of the United States, opposed to the Telecommunications Act. The Chamber of Commerce said, Oh, it will be bad for our country. Can you imagine if we had listened to the Chamber of Commerce and we had not changed our laws? All of these products would have been created—but not in the United States. We would not have branded it ''Made in the U.S.A.''

We are a technological giant. That's our greatest strength. Our weakness, our greatest weakness, is that we only have 3 percent of the oil reserves in the world, and we allow it to control our destiny.

This revolution, the telecommunications revolution, it created 1.5 to 2 million new jobs. There are people all across our country right now, and we are able to go down and check our BlackBerry, even as they are listening to us here. That's great. That's what we should be looking for.

That's what young people want. That's what ''the green generation'' wants. They are saying, no brainer, why don't we move towards green energy? Why don't we move towards these clean energy jobs, wind, solar, move that way? No, no the opponents are saying. That would be dangerous.

They have got a couple of emails that they believe call into question the entire science of whether or not the planet is warming, whether the glaciers are melting, whether the corals are being destroyed, whether there has been a 30 percent increase in the acidification of our oceans, whether or not there has been a 6-degree warming in Alaska in the winter over the last 50 years.

They are calling it all into question. Of course, they don't have any answers for it. They don't have any way of really explaining it, but they are using it as a deliberate political tactic in order to slow down the legislative and international response to the problem.

The head of the Intergovernmental Panel on Climate Change, Rajendra Pachauri, 2 days ago said in the opening session of the United Nations Climate Change Conference in Copenhagen that the recent incidents of stealing the emails of scientists at the University of East Anglia shows that some would go to the extent of carrying out illegal acts, perhaps in an attempt to discredit the IPCC. But the panel has a record of transparent and objective assessments stretching over 21 years performed by tens of thousands of dedicated scientists from all corners of the globe. I am proud to inform this conference that the findings of the panel are based on measurements made by many independent institutions worldwide that demonstrate significant changes on land, in the atmosphere, the oceans and in the ice-covered areas of the Earth. The internal consistency from multiple lines of evidence strongly supports the work of the scientific community, including those individuals singled out in these email exchanges, many of whom have dedicated their time and effort to develop these findings in teams of lead authors in the series of IPCC assessment reports during the past 21 years.

The IPCC process is designed to ensure consideration of all relevant scientific information from established journals with robust peer-review processes or from other sources which have undergone robust and independent peer review. The entire report-writing process of the IPCC is subjected to extensive and repeated review by experts as well as by governments.

There were a total of around 2,500 expert reviewers performing this review process. Consequently, there is full opportunity for experts in the field to draw attention to any piece of published literature and its basic findings that would ensure inclusion of a wide range of views.

The Republicans have been unable to win a debate on clean energy and climate based on the facts, the science or the economics. Now, in a desperate attempt to manipulate the truth, they have joined with Saudi Arabia and ExxonMobil to promote a manufactured scandal about stolen emails, not science, because they can't answer these questions about the warming of the planet, the permafrost being destroyed up in Alaska.

The personal emails in question——

Mr. LINDER. We are prepared to have that debate right now if the gentleman would yield.

Mr. MARKEY of Massachusetts. The gentleman will have his turn.

The personal emails in question do not in any way disprove or undercut the mountain of scientific evidence on

global warming. Now the Republicans are attacking the scientists who have worked decades on this problem, going so far as to accuse them of scientific fascism.

This is an insult to America's best and brightest scientists. The science that we are relying upon is the science of NASA, the science of NOAA, the National Oceanic and Atmospheric Administration, the National Academy of Sciences and our United States military. That is the evidence that we are relying upon. Men and women who had nothing to do with the emails and whose work has shown climate change is real and a danger to public health.

The scientists have used a careful, rigorous and transparent approach to come to consensus that evidence of global warming is unequivocal. The data topics referred to in the emails were all transparent and also debated openly and in public literature at that time.

Additionally, the American Association for the Advancement of Science, the AAAS, has reaffirmed its statement that global climate change caused by human activities is now underway and is a growing threat to society.

On December 4, just a couple of days ago, more than 25 leading U.S. scientists sent an open letter. Here is what they said. They said the content of the stolen emails has no impact whatsoever on our overall understanding that human activity is driving dangerous levels of global warming. The letter states, even without including analysis from the UK research center from which the emails were stolen, that the body of evidence underlying our understanding of human-caused global warming remains robust.

The AAAS expressed grave concerns that the illegal release of private emails stolen from the University of East Anglia should not cause policymakers and the public to become confused about the scientific basis of climate change. Similarly, the prestigious British journal Nature published an editorial last week saying that there was no reason for its editors to revisit papers submitted by scientists whose emails were stolen.

The American Meteorological Society has also stated that the emails gave them no reason to revisit its conclusion that human activity is driving climate change.

Bryan Walsh of Time magazine writes in his article, ''The truth is that the emails, while unseemly, do little to change the overwhelming scientific consensus on the reality of manmade climate change.'' The IPCC chairman, Rajendra Pachauri, in the opening of the U.N. climate change conference, as I just pointed out, made the very same point.

□ 1815

So the consensus from the scientific community is clear that the Republicans are trying to manufacture an issue to derail legislation. They do not have the information. They do not have the scientific evidence to maintain their points. However, the Saudi Arabians and ExxonMobil, they want to question it. They want to continue business as usual in our country. But the consequences, if we do move forward in their direction, will be further catastrophic consequences for our planet.

The emails do not in any way indicate global warming data is flawed or manipulated. The emails do not in any way undermine the sound science or disprove the unequivocal scientific consensus that global warming is real and caused by manmade carbon pollution. These emails do not show evidence of a conspiracy. The emails do not contain admissions of a global warming hoax. And the emails do not show that data was falsified. The Republicans are cherry-picking key words in emails to try to manufacture a scandal.

Here are two prime examples: one email suggests using a trick. Now, this email was written in 1999, 10 years ago. Since that time the planet has had 9 of the 10 hottest years on record. We have seen category 5 hurricanes like Katrina, record wildfires out West, villages falling into the sea in Alaska, and a 500-year flood in the Midwest, not to mention the disappearance of Arctic Sea ice at a rate far outpacing the climate models. These events are not a trick. They have all found global warming to be a danger to public health and national security. This work is publicly available and fully transparent.

Next, skeptical scientists have not been silenced or suppressed. The deniers have not been silenced. In fact, their very research and opinions mentioned in the emails were, in fact, included in the IPCC report. Two of the skeptical papers that the emails suggest should be kept out of the IPCC process are cited and discussed in chapter 3 of the 2007 IPCC Physical Science Basis report. Deniers have testified before Congress literally dozens of times. But the majority of their work has been funded by Big Oil and by other polluters. And let's not forget deniers and skeptics had 8 years of George Bush to help them delay action.

The scientific process has been very robust; but if you want to have a story about emails, then let's talk about the Environmental Protection Agency of George Bush.

After the Supreme Court decision Massachusetts v. EPA was rendered in April of 2007, they instructed the Bush administration and its Environmental Protection Agency to make a determination as to whether or not CO_2 posed a danger to the health and welfare of the American people. They told them they had to make a finding one way or the other. Well, back in May of 2008, the EPA of George Bush made the decision that CO_2 was a danger, and they sent an email over to the White House saying we have found the danger.

But Vice President Cheney found out that an email had been sent and the finding was not going to be finalized until the Bush White House accepted that email.

So what did they do? Vice President Cheney ordered that the email not be received in the White House. No email, which is the consensus of the Environmental Protection Agency of George Bush that CO_2 is a danger; we won't accept that email.

Now, there is a scandal. That's a scandal. The American Environmental Protection Agency has made a finding that CO_2 is a danger and Vice President Cheney says, We won't accept it. Send the email back because once we get it, we'll have to act on it. There is a scandal. That's the Cheney-Bush years, holding hands with the Saudi Prince. Please send us more oil, denying the science that their own EPA had developed saying that CO_2 is a danger to the health and welfare of our country. That is what is the real scandal, that they were denying science. They were denying the evaluation made by thousands of scientists not only in our own country but around the world.

And who are these scientists? They're the people that work at NASA. They're the people who work at NOAA. They're the people who work at the Navy Department, in the Army, in the Marines, in the Air Force. These are the people that have gathered this information. Our submarine crews who have been in Polaris submarines going under the Arctic to measure the depth of the ice, these are the people whose information is now being called into question by the Republicans.

These are the people whose email going into the White House was rejected by Dick Cheney. No, we don't want to act. We're going to finish out all 8 years of the Bush-Cheney era without ever having done anything about climate change.

This scientific process is very robust. The emails show without question that scientists are human. The power of the scientific process, however, has always been its ability to overcome human bias. That is the case with climate science as well. Despite the revelation that a few climate scientists may have considered acting inappropriately, there is virtually no evidence that anything was done that in any way would affect the final conclusion that was reached that this is a real danger to our planet.

The burden of proof here is all wrong. The climate deniers should be trying to explain why the tens of thousands of scientists who say global warming is unequivocal are wrong, why they think global warming isn't happening. And they can't do it. They cannot take on these tens of thousands of scientists around the world. So instead they're trying to create a mini-contretemps, something that makes it look like there's a real debate.

Yes, it's between Democrats and Republicans, but it's really between scientists at a 98 percent level and everyone else. But they're trying to take the 1 percent, 2 percent and make it out like there's an evenhanded debate. That's what the American Tobacco Institute used to do. The American Tobacco Institute used to find a couple of scientists that said, Don't worry about smoking, there's still no conclusive evidence that it's harmful to your lungs.

By the way, my father, smoking two packs of Camels a day, he used to say to my brothers and my mother and I, Don't worry about my smoking; okay? Two packs of Camels won't kill me. Until finally that little spot showed up on his lung and took my father. It still didn't convince, of course, the American Tobacco Institute. It didn't convince those people who were in scientific denial that these fumes that were being inhaled could lead to the death of people any more than the science which is overwhelmingly conclusive that the glaciers are melting, the Arctic ice cover is shrinking, the permafrost being exposed up in Alaska, the villages falling into the ocean beginning with Shishmaref, the village up in Alaska, because of that dramatic warming; that it had nothing to do, of course, they say, with the science—kind of like the American Tobacco Institute.

But the overwhelming consensus not only of our scientists but of the world is that these fumes that are being inhaled by our planet are making our planet sick.

So that's our choice. It's to make them explain why the Arctic has lost an ice cover three times the size of Texas compared to just a couple of decades ago; why Alaskan winters are 6.3 degrees warmer now than they were 50 years ago; why the ocean waters are 30 percent more acidic than they were in pre-industrial times; why this summer, the ocean was the warmest in NOAA's 130-year record.

The year 2000 was the 15th warmest year in NASA's record; 2001 is tied for the eighth warmest; 2002 is tied for the third warmest; 2003 is the sixth warmest; 2004 is tied for the eighth warmest; 2005 is the warmest year on NASA's record; 2006 is the seventh warmest year ever recorded; 2007 is the second warmest ever recorded; 2008 is the 10th warmest ever recorded; and just today we learned that 2009 is projected to be the fifth warmest year on record. All of it leading inevitably, inexorably towards catastrophic conditions for our planet.

Well, as this science was being developed, the Republicans did not decide to accept it. Dick Cheney said, Keep that email out of the White House. I don't care what my own EPA says. I don't care what the scientists hired by the Bush administration said about global warming, that email telling us that it is a danger to our planet, to our country, because that's the finding they had to make. The finding the EPA had to make was not a danger to the world, a danger to the United States of America. And that email, that scientific email, was summarily rejected by Dick Cheney because once they accepted it, they would then have the political and moral responsibility to ensure that something had to be done about it.

So there was no open and free discussion inside the Bush administration on that science. There was no roundtable with Dick Cheney sitting in the middle of it saying, Well, let's now debate the science. Oh, no. No free and open discussion of science. No free and open discussion of how the Vice President is going to reject out of hand the consensus of the entire EPA of his administration in the 8th year of the Bush administration. So it wasn't as though there were a bunch of Clinton holdovers at this point. This was a decision made by the Bush administration and its EPA, and it was rejected without so much as a debate by Dick Cheney and the White House.

So all of this, unfortunately, is being covered by the media as though it's kind of an evenhanded discussion here that's going on: 99, 98 percent of all scientists on one side, 1 percent on the other side. No, let's just make it even-steven, which is kind of how the tobacco debate was handled for a generation.

Well, there are two sides to the story, you know. Either tobacco and its inhalation into the lungs of human beings causes cancer or it doesn't. There are a couple of scientists over here that the American Tobacco Institute has and there's every other scientist in the world, every doctor, every physician.

So this is a huge moment for us as a country. We have two pathways that we can go down. We can continue to beg for oil from other countries. We continue to spew these greenhouse gases up into our atmosphere. Or we can say to America it is time for an oil change. It is time to move to an agenda of wind, of solar, of green buildings, of plug-in hybrids, a new era where we become the technological giant that we should be; that we do in the energy field what we did in the technology sector; that we overhaul our relationship with these technologies so we can overhaul our relationship with other countries in the world and create the 2 million jobs here in our country.

□ 1830

And that's really what is at stake because China right now is moving towards becoming number one in the world in wind, in solar, in all of these technologies.

So if you listen to the dissenters here, they're willing for us to move from an era where it's made by OPEC to an era made in China without ever having had a ''Made in America'' period. These jobs in wind, in solar, green buildings, plug-in hybrids, they should be American jobs. They should be the future for our country. They should be the next manufacturing sector. They should be what Google and eBay and Amazon and YouTube all represented in terms of the changing of our national view as to how we worked in our country. That is our challenge.

This is actually a good debate to have because it gets right to the heart of the matter, a green job revolution, backing out imported oil and saving the planet in the bargain, or engaging in a debate over a few emails. By the way, the emails were ultimately included in the report of the U.N.—included, not excluded. Included.

During our debate here in Congress, we had the deniers that were able to sit at the table and to make their points. We heard them, we listened to them, we deliberated, and then we passed the legislation based upon the overwhelming preponderance of scientific evidence.

So that's our challenge. We are either going to help each other on this planet or we are going to hurt each other. We are either going to know each other or we're going to hurt each other. The glaciers melting, the coral reefs dying, the deserts that are being created, the least that we should be able to say to ourselves as a people in the year 2050 is that we tried, we really tried to do something about global warming, about this imported oil, about the need to create a new generation of green jobs in our country. We should try to create a world in 2050 where children have to look to the history books to find that there ever was such a time where America imported 60 percent of its oil, where we allowed the temperature of the planet to warm dangerously, where we missed the opportunity to create 2 million green jobs in our country. That's what this debate is all about. We have enjoyed the benefits of this fossil fuel era, but we have a responsibility to the generations to come to create a new era for them. That's our challenge.

And to have this debate over a couple of emails is really a disservice to the American people and to the planet. This should really be about something that's much bigger, and our country deserves that debate. The world wants us to be the leader. We have dangerously gone down a path of imported oil for too long.

The other major story that we are debating right now is sending another 30,000 young men and women to Afghanistan to join the hundreds of thousands that are already over there. How much more do we need to know? Where do we send them towards? We send them towards the countries with oil; we send them towards the countries that have fundamentalists that are funded by oil money. That's the other major story. It doesn't take a lot to link them together, to make it all part of one big opportunity for our country.

Let's follow the science. Let's follow all of those who have labored to create this understanding of what's happening to our planet, to our country, and end

the debate over the emails and begin a real debate about our energy and climate future.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. MARKEY, before you yield back, could you answer a question if you still have time?

Mr. MARKEY of Massachusetts. I would be glad to yield.

Mr. BARTON of Texas. We have a fundamental difference on the data, which is part of what our Special Order is going to be. We have verifiable data that the temperature has gone down the last 11 years in a row, and yet you alluded to some data points about the hottest years on record and stuff; I mean, how do we reconcile that?

Mr. MARKEY of Massachusetts. How do I reconcile what?

Mr. BARTON of Texas. We can't both be telling the truth. We can't say the temperature has gone down 11 years in a row and you have data that says 2005 was the second hottest year on record and all of that. I mean, how do we reconcile these data points? I mean, is there a way, a methodology that we can supply our data and you can supply your data and we can try to reconcile them? I mean, the facts ought to be the facts. We can have different opinions, but we ought to agree on what the facts are.

Mr. MARKEY of Massachusetts. Well, the facts are very clear. The facts are that 9 of the 10 warmest years on record have occurred in the last 10 years and it has reached a temporary plateau. We are in a recession, and in China and in the United States and in other countries there has been a slower pace of increase in emissions. And by the way, this year it's going back up again, it's going to be the fifth warmest year in history this year.

Mr. BARTON of Texas. Are those data points public?

Mr. MARKEY of Massachusetts. Yes, they are public. This is the data provided by NASA, which I will provide to you. NASA has been compiling temperatures from the last 130 years, and I will be more than willing to give it to you.

I guess the fundamental question is, as China and India industrialize, as other parts of the world industrialize and start to send up more fossil fuels into the atmosphere, do we believe this trend is likely to stop and abate, or is it likely to exacerbate and continue to skyrocket? I think the evidence, since the beginning of the industrialized period as we have moved from 280 parts per million to 380 parts per million of CO_2 in our atmosphere, is that the more we add the warmer it gets. And as the 3 or 4 billion people in this developing world begin to want to drive automobiles and have electricity in their homes, it's pretty clear that the trend line is heading upwards. Yes, over the last 10 years it stayed very warm. As I said earlier, it's like a child having the same temperature, 100.6 not 98.6, for about 10 days.

Mr. BARTON of Texas. Well, one of the things that I hope we can agree, we can have different opinions, different views on issues, but between you as chairman of the Climate Committee and Mr. WAXMAN as chairman of the Energy Committee and Mr. SENSENBRENNER, who is your ranking member, and myself, who is the ranking member on Energy, we should be able to get a data set that we both agree is what the facts are, and I would like your cooperation in doing that.

Our data sets that I'm going to allude to are different. Now, I know enough to know what I don't know. And I don't know if that's a surface temperature, I don't know if that's a tropospheric temperature in the upper atmosphere, I don't know if that's a local temperature that's some sort of an annual mean. There are all kinds of different ways to describe it and to calculate it, but we ought to agree, as policy leaders, on a way to get a data set that everybody says, then we are going to debate the implications of that data set, whatever it is. And I hope that you and Mr. WAXMAN——

Mr. MARKEY of Massachusetts. And I would be more than willing to do that. But then we have to agree whose data are we going to rely upon? I would say that if we don't rely upon NASA's data and NOAA's data, which are the institutions that we historically have relied upon, then we are going to allow a small number of outlying——

Mr. BARTON of Texas. We are going to introduce, in our Special Order, some serious concerns that some of the scientists that maintain these data sets manipulate, change and eliminate for their own conclusions. And again, it's very fair to have an opinion and have a scientific debate, but it shouldn't be fair to manipulate the data in a way that at best is disingenuous, or in some cases deceitful, and I hope you would agree with that.

Mr. MARKEY of Massachusetts. I completely agree with that. And I think that the incontrovertible evidence of the overwhelming majority of scientists in the world is what is represented by the science that the United Nations and all of the National Academy of Sciences of every country in the world has accepted.

Again, as I point out, even papers mentioned in those emails and the points in them were included in the IPCC, the Intergovernmental Panel on Climate Change report of the United Nations. So it was in. It was a minority view, it was not accepted by the overwhelming majority of scientists. And amongst these human beings that are scientists, they did show some very human qualities as they debated the subject, but it never did call into question the fact that human activity was causing the warming of the planet. But the views were included in section three of the Intergovernmental Panel on Climate Change's report that the United Nations produced.

Mr. BARTON of Texas. I encourage you to listen, and if you wish to stay and maybe participate in our Special Order, you would be welcome.

Mr. MARKEY of Massachusetts. I thank the gentleman.

Mr. LANGEVIN. Will the gentleman yield?

Mr. MARKEY of Massachusetts. I would be glad to yield to the gentleman from Rhode Island.

Mr. LANGEVIN. I thank the gentleman for yielding.

Let me just commend the gentleman from Massachusetts for his incredible work on the issue of addressing global climate change, an issue that I know in many ways has become his life's work for so many years. I deeply appreciate his work here in the Congress, particularly as he leads the committee on the environment and global climate change here in the Congress.

Madam Speaker, I rise tonight to join my colleague, Mr. MARKEY, and so many others, in addressing this issue of global climate change, particularly during tonight's Special Order hour to recognize the critical negotiations that are beginning to take place at Copenhagen at the United Nations Climate Change Conference.

Like so many of us, I am greatly concerned with the permanent damage that we have already inflicted on the planet by failing to curb carbon emissions, but I believe that there is still time to enact meaningful reform that will not only stop the harmful effects of pollution, but will also jump-start our economy with a greater investment and demand for clean energy.

This issue, in terms of addressing global warming, is important for our environment, it's important for our national security, it's important for our economy in creating jobs of the 21st century, and clearly it's so vitally important to the future of our planet.

The predictions of what will happen to our planet if we do not take action on global warming are startling, and often they are even too dire to comprehend. But as a representative of the Ocean State, I simply can't ignore the situation that is facing my State today and in the near future. In my home State, just off our coast, the temperature of Narragansett Bay has risen 2 degrees in the past 30 years, leading to dramatic changes in the fisheries population. In Rhode Island, our economy relies on the fishing industry, and they are being so adversely affected right now because of these issues.

Conservative graphs of our coastal communities in the year 2100 shows cities that are halfway underwater. What happens to the investment that we've made to restore our fisheries, upgrade our ports, and to refurbish our wastewater infrastructure? Well, they will slowly be underwater, and the Federal investments that we made will be gone.

When I listen to my colleagues speak about things like the deficit, they often lament that we are focused on short-term fixes while perpetuating a long-term burden that our grandchildren will have to carry. Well, I

agree with them. I don't want the next generation to be burdened with the decisions that we make here today and I don't want to leave them with air they can't breathe, water they can't drink, and destroyed infrastructure up and down the coastline.

We need to address this issue now. I look forward to working with my colleagues on addressing global warming.

I commend the gentleman from Massachusetts again for his extraordinary work on global climate change issues.

CLIMATEGATE SCANDAL

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, it seems the science behind man-made global warming is melting before our eyes. Now there is a chance that even NASA will be pulled into the worldwide Climategate scandal.

□ 1845

For nearly 3 years, NASA has been stonewalling requests under the Freedom of Information Act for information surrounding their own temperature manipulations. Earlier, we learned that the University of Anglia in England where those global warming scientists house themselves had been hiding emails that contradict their theory of global warming.

So now Climategate has a twin sister, NASAgate. Investors' Business Daily reported just yesterday on NASA being forced to change their climate records that the world has been using for years. They said, ''NASA was caught with its thermometers down when James Hansen, head of NASA's Goddard Institute for Space Studies, announced that 1998 was the country's hottest year on record, with 2006 the third hottest.''

The last speaker, with all due respect, used these false statistics in his speech claiming global warming is a crisis. The fact is: ''NASA and Goddard were forced to correct the record in 2007 to show that 1934, decades before the old SUV, was in fact the warmest. In fact, the new numbers show that four of the country's 10 warmest years were in the 1930s.''

So how did NASA, the premier scientific agency of the United States, get such basic temperature calculations wrong? Did they cook the books too, just like the University of Anglia? We don't know. It turns out NASA has been blocking the Freedom of Information requests about that incident just like the scientists in Britain. What are they trying to hide? If global warming is a well-settled fact, why are these experts hiding the evidence to the contrary? And why isn't NASA following the Freedom of Information law? It's been 3 years since that information was requested. The public has a right to see the temperature data in these NASA emails. But there's more.

Earlier this year, the Environmental Protection Agency was caught suppressing dissenting views, just like the Climategate warmers in Britain and NASA. One of the EPA's own scientists wrote a report refuting manmade global warming science, using the latest, most current information that says the Earth is actually cooling right now. In fact, the Earth has been cooling for more than a decade. That's really an inconvenient truth for Al Gore and the global warmers.

But the people at the EPA buried the dissenting report, just like the Climategate warmers did and maybe NASA. The EPA bureaucrats said their scientist's own report wasn't helping their agenda, so they hid it and threatened the scientist so he would keep his mouth shut. The question is: Why can't the public see the dissenting view from other scientists? Isn't that what science is all about? The reason: It appears to me that careers are at stake, along with millions upon billions of dollars.

In the 1970s, Time and Newsweek predicted global cooling, that the world was all going to freeze. But when climates began to warm, scientists changed that name to global warming instead of global cooling. And have we noticed that the planet has actually began to cool again? Madam Speaker, it even snowed last week in Houston. It never snows in Houston. A snow in Houston is about as frequent as a hurricane in Iowa.

But the warmers, again, have changed the name of that catastrophe. It's now no longer global warming; it is climate change. That's a safe bet, because the climate does change almost every day. And why would they do this? What's the motivation for these scientists to apparently cook the books on global cooling or warming or climate change? It's money.

According to the leaked Climategate documents, the British university, the CRU at the center of the Climategate scandal, has received millions of dollars. NASA's climate change warmers stand to receive a billion dollars in funding this year alone. Global warming is big business. Fox News reported today that former Vice President Al Gore may be the world's first carbon billionaire. He makes money preaching fear in the name of global warming.

It's a great thing to make money in America. That's what capitalism is all about. But it's not okay to earn money from investing in green technology companies and, at the same time, forcing expensive green laws and EPA regulations on the American people based upon science that is not a fact. In the real world of science, if your calculations are wrong by data and observation, you have to throw out the hypothesis.

Some of the computer models using CRU data as a result are falsified. That includes the global warming claims. And these are the top warmer scientists. These scientists and their dogma of fear is about control and obtaining taxpayer money. Ronald Reagan said it best: Government does not solve problems; it just continues to subsidize them.

And that's just the way it is.

GLOBAL WARMING OR CLIMATE CHANGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BARTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTON of Texas. Madam Speaker, I do think that I will use the 1 hour. I understand there's going to be a rule reported in the time, and we'll certainly yield to the person from the Rules Committee to file that rule.

Madam Speaker, I wish to rise to discuss a topic that's already been discussed on the House floor this evening. It's the issue of climate change or global warming. Next week, I am honored to be one of the congressional delegation attending the Copenhagen Climate Change Conference in Copenhagen, Denmark, that's going to be led by our esteemed Speaker, the Honorable NANCY PELOSI. I also attended Kyoto, Buenos Aires, and The Hague. I'm the ranking Republican on the Energy and Commerce Committee and formerly also on the Science Committee, and I have been a participant at the congressional level on the climate change debate for the last 20 years.

I'm going to start off by putting into the RECORD a suppressed report that Congressman POE just talked about that has never before this evening been made public in its entire, unexpurgated form. The title of the report is Comments on the Draft Technical Support Document for the Endangerment Analysis for Greenhouse Gas Emissions under the Clean Air Act. This report was compiled by Dr. Alan Carlin, who is a career scientist and investigator at the EPA. At one time, he self-described himself, I'm told, as a global warming believer. He prepared this report. He works in a group within the EPA that is responsible for conducting an internal review of some of these draft orders before they go public. And I'm not going to read the entire report. I'm going to read excerpts of the preface and the executive summary, and then I will put the entire report into the RECORD.

This is from the executive summary and the preface, and I quote, ''We have become increasingly concerned that EPA has itself paid too little attention to the science of global warming. EPA and others have tended to accept the findings reached by outside groups, particularly the IPCC,'' which is the International Protocol on Climate Change under the auspices of the United Nations, ''and the CCSP, as being correct without a careful and critical examination of their conclusions and documentation. If they

should be found to be incorrect at a later date, however, the EPA is found not to have made a really careful independent review of them before reaching its decision on endangerment, it appears likely that it is the EPA rather than these other groups that may be blamed for any errors.

Further down on the executive summary, Page 1, ''Our conclusions do represent the best science in the sense of most closely corresponding to available observations that we currently know of, however, and are sufficiently at variance with those of the IPCC, CCSP, and the Draft TSD that we believe they support our increasing concern that the EPA has not critically reviewed the findings by these groups.''

Further, ''we believe our concerns and reservations are sufficiently important to warrant a serious review of the science by EPA before any attempt is made to reach conclusions on the subject of endangerment from greenhouse gases.''

And on Page 2, ''What is actually noteworthy . . . is not the relative apparent scientific shine of the two sides''—those that oppose and those that support the global warming argument—''but rather the relative ease with which major holes have been found in the greenhouse gas/CO_2/global warming argument. In many cases the most important arguments are based not on multimillion dollar research efforts, but by simple observation of available data, which has surprisingly received little scrutiny. The best example of this is the MSU satellite data on global temperatures. Simple scrutiny of this data yields what to us are stunning observations. Yet this has received surprisingly little study or at least publicity. In the end it must be emphasized that the issue is not which side has spent the most money or published the most peer-reviewed papers, or been supported by more scientific organizations.'' This is very important, the next sentence. ''The issue is whether the greenhouse gas/CO_2/AGW hypothesis meets the ultimate scientific test—conformance with real world data. What these comments show is that it is this ultimate test that the hypothesis fails.'' That the hypothesis fails. ''This is why EPA needs to carefully reexamine the science behind global warming before proposing an endangerment finding.''

Now, this is from Dr. Carlin in the EPA. This is not some disgruntled Republican Congressman. This is a professional scientist, Ph.D., in an office within the EPA that is tasked with reviewing this endangerment document before a final decision is made. And in his words, the ultimate test is whether the greenhouse gas CO_2 hypothesis meets the ultimate scientific test conformance with real world data. These comments show that it is the ultimate test that the hypothesis fails.

Further, on Page 3 of the executive summary, there are several principal comments that they wish to raise in their review. ''As of the best information we currently have''—and this was in March of 2009—''the greenhouse gas/CO_2 hypothesis as the cause of global warming, which the Draft TSD supports, is currently an invalid hypothesis from a scientific viewpoint because it fails a number of critical comparisons with available observable data. Any one of these failings should be enough to invalidate the hypothesis; the breadth of these failings leaves no other possible conclusion based on current data.'' As Feynman said in 1975, ''failure to conform to real world data makes it necessary from a scientific viewpoint to revise the hypothesis or abandon it. Unfortunately this has not happened in the global warming debate, but needs to if an accurate finding concerning endangerment is to be made.''

The failings listed below why we should not have an endangerment finding in order of importance in our view:

Number 1, the lack of observed upper tropospheric heating in the tropics;

Number 2, the lack of observed constant humidity levels;

Number 3, the most reliable sets of global temperature data we have, using satellite microwave sounding units, show no appreciable temperature increases during the critical period from 1978 to 1997. Satellite data after 1998 is also inconsistent with the greenhouse gas/CO_2/AGW hypothesis;

Number 4, the models used by the IPCC do not take into account or show the most important ocean oscillations which clearly do affect global temperatures;

Number 5, the models in the IPCC ignored the possibility of indirect solar variability;

Number 6, the models in the IPCC ignored the possibility that there may be other significant natural effects on global temperatures;

Number 7, surface global temperature data may have been hopelessly corrupted by the urban heat island effect.

Now, this one is the one that I was asking Mr. MARKEY about to see where he got his data set, because surface global temperature, if you take it in downtown Manhattan, for example, is going to be very different than if you take a surface temperature in a rural area. The actual urban effect, the concrete, the asphalt, the buildings raise the temperature, and there is some concern that this urban heat island effect has corrupted the temperature.

Those are just seven reasons in this draft document why this author had skepticism about going forward with an endangerment finding. And yet, this report was not made a part of the record. This report was not made public. In fact, this report was suppressed, and because of considerable anxiety on the part of people like myself and Congressman ISSA, Congressman SENSENBRENNER, the author was allowed to put a redacted version of this report on his personal Web site. Then we were able to get the unredacted version provided to us by the EPA, and that's the version that I'm going to put in the RECORD.

□ 1900

As this author says, Dr. Carlin, he was prophetic because we're now seeing that some of the climatologists—maybe more than some—have attempted to suppress certain data, to destroy data sets, to manipulate data sets, to not get a true scientific review, but to reach a preconceived conclusion.

Madam Speaker, I think that is wrong.

Mr. DREIER. Will the gentleman yield?

Mr. BARTON of Texas. I will yield to the distinguished member of the Rules Committee.

Mr. DREIER. I thank my friend for yielding.

I know there are colleagues of ours who are anxiously looking forward to participating in this very important Special Order, and I want to congratulate all of you for the work that you're doing to demonstrate that there clearly is a wide diversity of views on this question of global warming.

And I was listening to the exchange that my friend had with the chairman of the committee from Massachusetts (Mr. MARKEY), and I was thinking about the fact that one of the things I think would be very helpful for us to do is to try and pursue some bipartisanship. That's a buzzword that is used around here regularly. People talk about how important it is for us to be as bipartisan as we can. But I think with the controversy that exists from both sides, there may be a way for us to come together on an issue.

I wanted to come up and mention this very briefly. I have joined, Madam Speaker, with our colleague from Ohio (Mr. KUCINICH.) I know that might come as somewhat of a surprise that Mr. KUCINICH joined in an effort to deal with this question in a bipartisan way—and it might come as a surprise that DAVID DREIER would join with Mr. KUCINICH in doing something that would address this issue. But it is a measure that I think is very important for us to look at.

There is recognition—and Mr. MARKEY said this—that we have the potential to create a couple of million green jobs here in the United States. And I think there is a desire to continue to do what we can to improve our environment. I come from the Los Angeles basin. We have air-quality problems there. Very serious. I believe that if we were to take what is our comparative advantage—and my friend from Georgia and I have worked regularly on the trade issue—and take advantage of our comparative advantage, which happens to be the development of a wide range of alternative energy sources—whether it's algae, whether it's wind, whatever—and provide a chance for those technologies to move to these developing countries which have not yet been able to comply—Bangladesh, India, China, other countries.

So Mr. KUCINICH and I have joined to introduce a resolution calling for the tariff-free export of all green technology. Now, I believe that that would create jobs in this country, and it would go a long way towards helping us in our quest to deal with overall environmental issues.

And so while there is a wide range of views on this issue of global climate change, I do believe that it's important for us to know that improving our environment is something we can come together on. And I'd like to congratulate my friend and say that I hope that in a bipartisan way we can encourage entities like the World Trade Organization to negotiate a worldwide agreement that would allow green technology to be exported to all parts of the world.

Mr. BARTON of Texas. I thank the gentleman for bringing that to our attention, and it sounds like a worthy proposal.

Mr. DREIER. I thank my friend for yielding.

Mr. BARTON of Texas. I would like to yield such time as he may consume to a member of the committee from the great State of Illinois (Mr. SHIMKUS).

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Thank you, Mr. BARTON.

I think what is important, Mr. BARTON, was your focus on science and your focus on data points and what we should be able to do in the Chamber in a bipartisan manner is to agree on the data points. We should be able to agree on what the science is, and that's in question. And for many of us it has been in question for a long time.

We're joined by JOHN LINDER who's been following this as long as anyone else has, and part of his search has been because the scientists would not give the data. They would never tell us what's the base by which they're making this extrapolation. And so I'm glad that you highlighted the scientific method that I didn't get on the chart but I brought down here.

It's very simple. I taught high school. You're an engineer. I went to an engineering school. This is irrefutable. This is how science is done. You ask questions. You do background research. Background research in this debate would be to get the temperatures.

We're already questioning the background research, one, based upon the request from the Freedom of Information Act, and of course now our friends at the IPCC are saying, We don't have them. The dog ate the homework. It is amazing. Scientists are really some of the most respected professionals. But they're respected because of this, this process, which should be objective. You should be able to follow it. You should be able to construct a hypothesis. The hypothesis is an educated guess. That is all it is. It's not truth. It's a guess based upon the data points. And then you are—then you're to test it. And then you analyze the result and then draw your conclusions.

Based upon the scientific method, you can categorically say right now that those who say the science that solves are in error. The science does not solve. That is why all of this political activity is going on right now. That is why now the EPA administrator is saying, We're going to do endangerment findings. They want to do it before we are able to educate the public that the science is not solid. And they are not providing us with the data points, they're not complying with Freedom of Information Act requests. And so this process is skewed.

So when they tested it, they found out that the results didn't match their educated guess. And what did they do? These scientists are politicians. They went into—we call it in the military they went and holed up. They lowered the turrets; they got under ground. Don't ask questions. And here are some of the emails, in essence, to prove that.

Here's the first one.

''The fact is that we can't account for the lack of warming at the moment, and it is a travesty that we can't.''

Mr. BARTON of Texas. When was that email? Was that 10 years ago? Was that a decade ago? When was that?

Mr. SHIMKUS. 12 October, 2009, at 8:57.

Mr. BARTON of Texas. So that was 2 months ago.

Mr. SHIMKUS. As of 2 months ago, we can't account for the lack of warming.

There's two things here. First of all, they say we can't account for the lack of warming. So their background research, he is already trying to skew the research. And he has an emotional response: ''It's a shame. I'm saddened.'' Scientists shouldn't be emotionally attached to the data. This is the data. Let's test it.

What we would encourage our friends on the other side to say is, in a bipartisan manner, let's get the facts on the table, and let's get the scientists to look at the facts. The facts are being hidden. That is sad.

One is they don't have the facts; two is he's emotionally distraught because his hypotheses cannot be proven.

Here's another one to the ranking member. ''I can't see either of these papers being in the next International Panel on Climate Change report. Kevin and I will keep them out somehow—even if we have to redefine what the peer-review literature is.''

Here's another process on the scientific message. Analyze the results. Draw conclusions. They have got some—they've done some analysis that doesn't support it. So are they going to add that in a scientific objective fashion, say, This is what we believe, but there are some who disagree—they say that the facts don't speak for the hypotheses? No. These scientists say, We're going to bury it. We're going to hide it. We don't want the public to know.

Can you imagine scientists doing that?

Again, the scientific community is one of the most respected communities because they go by the scientific method.

Here they admit that they're going to keep the analyses out of the report—two analyses that contradict what they want their hypothesis to be.

Mr. BARTON of Texas. Now Mr. Phil Jones, he is the head of the Climate Research Unit at East Anglia University in Great Britain. Is he the gentleman that just resigned?

Mr. SHIMKUS. He is the person who just resigned.

Mr. BARTON of Texas. And is Michael Mann the professor at Penn State that is the proponent, initially, of the hockey stick theory, which has been shown to be discredited and was actually using data sets that were manipulated in a way that they shouldn't have done? Those are the two gentleman, the author and the recipients of this email?

Mr. SHIMKUS. That is correct.

Mr. BARTON of Texas. And are these two gentlemen two of the leading proponents in the IPCC that climate is growing warmer because of manmade CO_2 emissions?

Mr. SHIMKUS. They are the foremost promoters of the theory.

And there's the followup. Are they receiving taxpayer dollars to promote this theory through the IPCC, which is the U.N. International Panel on Climate Change, or Virginia.edu, and you could speculate that there are DOE grants, EPA money, going. And another thing, these scientists are for hire. They're for hire.

Mr. LINDER. Will the gentleman yield?

Mr. SHIMKUS. I will yield.

Mr. LINDER. We heard the gentleman from Massachusetts talk about Big Oil, and Saudi Arabia funding all of the opposition. I can't find the scientists that are getting those checks. But a recent study came out in the last several weeks that says that government money going to climate science on behalf of those who believe in human-cause global warming has been $79 billion over the last 20 years. They have dwarfed anything on the other side of the issue. And they continue to do it.

Would you suggest that maybe that's why they are continuing to hide this situation because the money keeps coming?

Mr. SHIMKUS. I believe that those who seek taxpayer dollars—we know here that agencies and programs never go away. If that's why they're not providing the data, that's why they're hiding the fact of the last decade—can you imagine us in this environment of trying to get control of the deficit and the debt, and we're spending billions of dollars to scientists who are not using the scientific method?

Mr. LINDER. I believe the number this year is $7 billion from the government.

Mr. SHIMKUS. So, yes, they're on the dole. They want to keep their jobs so they're continuing to promote and deceive the public. I don't know. I would say it's pretty damaging to their name, to the community, and also to the taxpayers.

Now, if I may, I have one more that I'd like to share. And there are tons. I mean, these are just a small sampling. The ones I picked out I kind of wanted to address the scientific method.

Again, as an engineer, give us the facts, give us the data, test the data, prove if it's right or wrong. If it's wrong, get an analysis, and then maybe try again. Retest it. Let's retest the data point.

□ 1915

Here is another one: I've just completed Mike's Nature trick of adding in the real temps to each series for the last 20 years, i.e. from 1981 onwards, 20 years, for Keith to hide the decline.

So now, not only are they not providing the data, they are keeping the analysis from being reported in the IPCC report, and they are jimmying the numbers. They are actually using tricks.

These are scientists. Now, we are politicians. I think people would have some skepticism. We don't claim to be—you claim to be an engineer; I went to engineering school. I understand it, but if you were building a bridge, or if you were designing a building, and you jimmied the numbers on the tensile strength of the steel, you would be in real trouble because the design would be faulty, and the building would collapse.

Their design, Administrator Jackson's design to remake the United States is on faulty data. It is on data that has been jimmied. And this house of cards will collapse, and it will be jobs in the wake on faulty data.

Now, bring us real data. Go through the scientific method. Test it, but don't hide it. Don't trick us. Don't deceive us. Don't discourage your profession of scientists by staying on the public dole to receive taxpayer money to continue to promote a fraud, a fraud on the American public. So that's why I real appreciate, Congressman BARTON, that you've taken this time to help address this. There's a lot of education. And this education has to go on now because they are going to be making decisions in Copenhagen. They are going to try to bind us to stuff on faulty data.

Mr. BARTON of Texas. Now my assumption, and this is an assumption, is that the gentleman that wrote those emails and that received them by and large are in the inner circle of the climate change community; and in all probability, they are in Copenhagen right now.

Mr. SHIMKUS. You bet they are. The International Panel on Climate Change, they are the U.N. designees to continue to provide the information to the folks who attend the conference upon which they make the decisions.

Mr. BARTON of Texas. And if the President were to commit the United States to a legislative path that these scientists support, and if we were to adopt as law the climate change bill that passed the House that requires a reduction of 83 percent of emissions from CO_2, manmade sources, 2005, by the year 2050, and we implemented that, we would have a CO_2 emissions level in this country that we last experienced in 1910. And if we do it on a per capita basis that we last experienced per person in 1875, is it the gentleman's position that if we were to do that, our lifestyle in the year 2050 would be anywhere comparable to where it is today?

Mr. SHIMKUS. Our lifestyle would be dramatically different.

Mr. BARTON of Texas. In a negative way.

Mr. SHIMKUS. We rely on jobs and our environment on cheap energy. And as you know I'm from the coalfields of southern Illinois, and I spent this whole year and last year fighting for our coal reserves and the importance of that. And I usually bring another poster of miners who lost their jobs during the last cycle, 1,200 miners in one mine. The State of Ohio lost 35,000 coal miner jobs. That is just a fraction of what we will see in this country if we roll back the carbon emissions, and if they could prove it, but they can't.

Mr. BARTON of Texas. They can't even prove it apparently with tricks.

Mr. SHIMKUS. Carbon dioxide is not a toxic emission. And that is what Administrator Jackson just said.

Mr. BARTON of Texas. If it were, the floor of the House would be a toxic waste dump because there is more CO_2 created here than in any other size room in the country, with the exception of perhaps the Senate floor.

Mr. SHIMKUS. I would encourage you to keep up the great work. Thank you for letting me join you.

Mr. BARTON of Texas. I would now like to yield to one of the most informed Congressmen on the issue of climate change, the Honorable JOHN LINDER of the great State of Georgia.

Mr. LINDER. I thank the gentleman for yielding.

I first got interested in this 5 or 6 years ago on a trip to New Zealand. It was a congressional delegation. We had a visit with the leader of the NOAA point there where they leave to go into Antarctica for their expeditions and come back to this scientific center. And they put a PowerPoint presentation together for us and a big chart on the wall that showed that at that time they had dug into the Vostok ice core for 400,000 years back, and that from 400,000 years back to today, temperature increases and decreases and CO_2 increases and decrease were in consonance. They moved with each other.

And I asked him, Who was burning fossil fuels 400,000 years ago? He took that as a rude question, and it took me a year to get a copy of that chart. But I studied that chart. And then I looked at the studies about the Vostok ice core. And what you discover when you don't have it on a, 8½-by-11 piece of paper and expanded is that temperature changes precede CO_2 changes by about 1,000 years.

Mr. BARTON of Texas. That means that temperature is the dominant variable, and that it drives the dependent variable, which is CO_2. Temperature goes up and then CO_2 goes up.

Mr. LINDER. That's correct. One study says 800 years, one study says 2,800 years, but people average it at about 1,000 years.

Mr. BARTON of Texas. So Vice President Gore is only off by 180 degrees?

Mr. LINDER. That's right. And so is the entire IPCC report. CO_2 is a trace gas. It is a plant food. It is beneficial to all of life. CO_2 is a modest gas. Methane is 23 times more powerful at trapping heat. Sixty-five percent of the heat-trapping gases come from water vapor.

We are not going after them because we are going after people. What you learn when you discover that CO_2 levels follow the temperature changes is that there's a reason for it. And the reason is this: we go through ice ages and global increases and declines in temperature. And as the temperature declines globally, the trees at the top of the mountain start to die for lack of photosynthesis, and then the bushes, and then the grasslands. And the dust that blows in the winds that are always here blows out across the oceans. And part of that dust is lead. And when that lead settles to the bottom of the oceans, it catalyzes growth in the largest biological mass we have in this planet, the plankton. And that growth demands CO_2 to keep going.

Now the oceans contain 70 times as much CO_2 as the atmosphere does. And as the plant life, the plankton, pulls that CO_2 out of the oceans, homeostasis, or equilibrium, causes more CO_2 to come out of the atmosphere and into the oceans. The reverse happens when the planet warms up through more solar activity. So colder oceans hold more CO_2 than warm oceans. And when the planet cools off, the CO_2 winds up in the oceans and out of the atmosphere. We have 388 parts per million today.

Mr. BARTON of Texas. And we believe that the Atlantic and Pacific are in a cooling period.

Mr. LINDER. They have been in a cooling period.

Mr. BARTON of Texas. Something called a PSO and an AMO or something?

Mr. LINDER. That's correct. They have been in a cooling period. And we have now 3,400 instruments that go into the oceans. And every 10 days they pop up, and they give satellites information of what is on those instruments about the temperatures. And there has been no warming in the oceans.

Mr. BARTON of Texas. I know it's dangerous for Congressmen to actually

think. We are not accused of doing that very often, but there are sometimes some Congressmen, you and I, I think, are two, not that others don't, but we actually think.

Now I want to build on what you just said. These ice core samples that you got the data that show temperature goes up, and then CO_2 goes up. And if temperature were to go down, then CO_2 would go down.

Mr. LINDER. That's correct.

Mr. BARTON of Texas. We are in a situation right now where it appears, it depends on the data that you believe; but if the data points that we think are correct are correct, we are in a cooling period. Temperature has gone down at least 8 years in a row and probably 12 years in a row, and we appear to be in a cooling period. But at the same time, we have to admit that CO_2 concentrations are going up.

Mr. LINDER. That's correct.

Mr. BARTON of Texas. So I would hypothesize that the CO_2 concentrations going up are going to prevent as much cooling, and it will keep the planet warmer than it would be otherwise, but still cooler overall, which would be a good thing for mankind. We don't want another ice age, do we?

Mr. LINDER. No, we do not. In the last 2 million years, we have had 20 ice ages, 20 glaciations, the last on average about 100,000 years, interrupted by about 10,000 years of warming. It has been 11,400 years since the last glaciation. It is likely the planet is looking toward going cooler again. We have had less sun activity in the last 11 years than we've had in many, many years.

Mr. BARTON of Texas. I'm told this, you probably know, that there are more glaciers in the world that are growing than there are that are in decline.

Mr. LINDER. Than are receding, that's right. But 388 parts per million is not even high. It's at the low end of the comfort scale. Roughly 65 to 135 million years when the dinosaurs roamed this Earth, CO_2 levels were five and 10 times as high they are today and produced a tremendous amount of greenery that fed those animals.

542 million years ago was the Cambrian period. It came to be known as the Cambrian explosion because in a very short period of time, 5 to 10 million years, which in a 4½ billion-year-old planet is the blink of an eye, in that short period of time, all of multicellular complex life that has ever existed on this Earth was deposited in the fossil evidence.

How did that happen? That happened because temperatures were warmer. The CO_2 levels were 7,000 parts per million, 20 times what it is today. The entire planet was covered with greenery and had immense amounts of oxygen and all of complex life as we know it, 96 percent of which is no longer existent.

Mr. BARTON of Texas. But it would have been a little warmer than it is today. We might not have been comfortable wearing a woolen sweater back then.

Mr. LINDER. But it would have been better than a glaciation. I always like to ask people who tell me the temperature is growing too much to say what should the current temperature be. Tell me. Should it be the temperature 1,000 years ago when Greenland was settled for agriculture? Or when the people in Scotland were growing wine grapes? Or should it be 879 A.D. when the Thames froze over? Or should it be a little ice age when Greenland was empty of life again?

Mr. BARTON of Texas. All I know is when people retire, they move to Florida and Texas.

Mr. LINDER. They don't move to Greenland.

Mr. BARTON of Texas. They don't move to Iceland or Greenland.

Mr. LINDER. CO_2 is a beneficial trace, helpful gas that feeds plants. And this whole notion that we should control it somehow is nothing but vanity. We are not going to change what is put on this planet for 4½ billion years. Now we are told, and we heard from the gentleman from Massachusetts, that there is a scientific consensus. He said 98 percent of the scientists, tens of thousands, agree with his position. Well, I would like to ask him to produce that list. Because only 600 of them shared the Nobel Prize with Al Gore. A scientist from Australia has said only 35 people actually wrote the IPCC reports, and they were controlled by 10 people.

Mr. BARTON of Texas. One of whom just resigned from his position in East Anglia.

Mr. LINDER. He did? What is not popularly known is that 32,000 scientists, including Edward Teller, 9,000 of whom are Ph.D.s and the rest masters, have signed a statement that says there is no evidence that humans are causing any impact on the global warming that occurred between 1975 and 1998, none whatsoever. In fact, five scientists who contributed to the first IPCC report said in their papers there is no evidence that humans are contributing. Those five statements were removed by the top bureaucrat at the IPCC and replaced with one statement that said there is no doubt that humans are causing this. He was asked about that under oath in a legal action. Why did he remove those statements? He said under immense pressure from the top of the Federal Government of the United States.

□ 1930

Now, ''consensus'' doesn't mean much in science. ''Consensus'' is important in politics. In science, we have to be seeking truth and fact. Indeed, in science, only two conditions are ever obtained. One is theory and the other is fact. You put forth your theory. You release your underlying documents and sources and methods, and you let your peers review it and try and replicate it.

That is the point at which I got very nervous about this science because I tried to get underlying documents from Jim Hansen, who had the first computer model. He first testified before Congress in 1989, I believe, in the Senate. He recently attested, recently spoke in England. He said, We have 4 years to save the planet. He doesn't release his source documents because he says they are proprietary. Well, he is an employee of the Federal Government. The Federal Government ought to own those documents. They ought to be released. When somebody is hiding something, when somebody is hiding things, you begin to wonder why he is hiding it.

Mr. BARTON of Texas. It would be similar if we held an election and if we just said, Assume that I won——

Mr. LINDER. That's right.

Mr. BARTON of Texas. But we didn't release the documents, and we didn't release the ballots, and we didn't let them be audited, and we didn't have a canvassing committee.

Mr. LINDER. That's correct.

Mr. BARTON of Texas. We just said, We'll assume that, since Congressman LINDER says he won, he did win.

Mr. LINDER. What we are learning from East Anglia—and I want to make a point that the gentleman——

Mr. BARTON of Texas. Then we want to go to Mr. SCALISE.

Mr. LINDER. I want to make a point that those are not stolen documents. Those documents were released from inside by a whistleblower.

Mr. BARTON of Texas. Well, they should be in the public domain anyway.

Mr. LINDER. Of course.

But somebody working inside that organization realized they were destroying documents that were being asked for in the Freedom of Information Act, and someone released those documents. I believe that we ought to be thinking about releasing everything. Let scientists pour over it and establish whether the theory is actually a fact and move on.

Mr. BARTON of Texas. I agree.

We want to now turn to the Congressman from New Orleans, Louisiana, a member of the Energy and Commerce Committee, Congressman SCALISE.

Mr. SCALISE. I want to thank the gentleman from Texas for yielding and the gentleman from Georgia for opening up this discussion.

Of course, what we are talking about and the reason this is so important is that many of the different world leaders are getting ready to meet in Copenhagen, Denmark, to start discussing a Kyoto II-type treaty—a treaty for many countries, including the United States, to literally change the way our entire manufacturing base operates.

Of course, here in Congress, we've been debating the proposal by Speaker PELOSI and others to codify that type of treaty in the form of the cap-and-trade national energy tax. They are trying to bring a national energy tax to our country to tax businesses, to tax not only businesses but also individuals in their household electricity use for using fossil fuels. It's all in the

name of stopping manmade global warming.

So what brings us to this debate that you are focusing on is the fact that we have found out recently through Climategate that the science that they are using is corrupt. In fact, behind much of the data that has been used to try to sell a cap-and-trade energy tax, that has been used to try to sell the Kyoto Treaty and now this new meeting in Copenhagen to have a Kyoto II-type agreement, all of it was based on corrupted data.

If you go back to former Vice President Al Gore, who said, The debate is over, he was trying to imply that all of the scientists are in agreement. Of course, as my colleague from Georgia pointed out, the scientists are not in agreement.

What is even worse is now we have found out and have uncovered this scandal where some of the scientists who have been collecting data through the U.N.'s Intergovernmental Panel on Climate Change, the IPCC, which is the respected body worldwide on all of this data—it turns out, as the clearinghouse, they were actually corrupting the data that is being used.

In some of the examples through these emails, Phil Jones, who just resigned, said, I've just completed Mike's nature trick—he goes on—to hide the decline in temperatures.

We go back to the infamous hockey stick graph that Al Gore used in his film, ''An Inconvenient Truth.'' I guess the most inconvenient truth for the former Vice President is that these emails have now come out and have exposed the scandal.

If the gentleman from Texas will allow me, I want to read a few other of the emails. I know my colleague from Illinois earlier highlighted some of the other emails.

Yet, just to show how deep this is, first, Phil Jones in an email last year said, Mike, can you delete any emails you may have had with Keith regarding the AR4 data set? Keith will do likewise. He says, Can you also email Gene and get him to do the same? I don't have his email address. We will be getting Caspar to do likewise.

So here he is talking about deleting data, deleting the emails which show that some of this manipulation and corruption of the data was going on. This is the person who is the director of the University of East Anglia's Climatic Research Unit. He is a scientist who should not only understand the importance of following the facts, of following the data, but who should also understand that, as others try to verify this data, that is something that he should be openly and freely willing to share.

Mr. BARTON of Texas. The AR4 data set is the data set that was used in the IPCC report in 2007, so it's a seminal document that has been used for policymaking decisions, not just in the United States but all over the world.

Mr. SCALISE. Exactly.

Mr. BARTON of Texas. What you are saying is they went to some lengths to manipulate the data that that report is based on.

Mr. SCALISE. They went to lengths to manipulate the data, and then they went to lengths to actually delete, to try to destroy the evidence, in essence—some of that data—as you know as the ranking member of Energy and Commerce and when we were having that debate here in committee and on the House floor on the cap-and-trade energy tax.

Many of the people who have been promoting that national energy tax—Speaker PELOSI and her liberal attendants and others—are using that IPCC data to say, Look, we need to act quickly because the data shows. Of course, now we know that the data was corrupted.

Then he goes on—and we are all familiar in this country with the freedom of information. This administration came in saying they were going to be the most transparent administration ever. Yet you look at these emails further, and he says—this is an email—The freedom of information line we are all using is this. So he is telling this to some of the other scientists who were involved in this corruption. He says, The IPCC is exempt from any country's Freedom of Information Act. The sceptics have been told this. Even though we possibly hold relevant info, the IPCC is not part—and then he goes on to say—therefore, we don't have an obligation to pass it on.

So he is trying to lay out this groundwork so that he doesn't even have to turn over his data. This is, I think, before he destroyed it.

Then he says, If the Royal Meteorological Society is going to require authors to make all data available—raw data plus results from all intermediate calculations—he says, I will not submit any further papers to the RMS Journal.

This is Phil Jones—again, leading scientist—whose data is used by many of these people all throughout the world to try to pass Kyoto-type agreements in the cap-and-trade energy tax that's getting ready to be debated over in the Senate.

Mr. LINDER. Will the gentleman yield?

Mr. SCALISE. Yes, I will yield to the gentleman.

Mr. LINDER. Sadly, that data that the IPCC uses from East Anglia is also the basis of the data that NASA uses in Huntsville, Alabama, and all of the other future models that have been built have been somehow shaped by that data. So there is no place to go now, since all of the source documents have been thrown away, to reconstruct all of that.

Mr. SCALISE. It is really frustrating because there are scientists who have different opinions, who have tried to present alternative data to this corrupt scientific data, and they have been blacklisted. In fact, I won't go into detail on this here, but that information will continue to come out. In some of the emails, they actually go on to describe how they are going to try to blacklist other scientists who try to propose data which shows something different than theirs—in fact, even saying that they are going to withhold some of their journal writings so that they won't even publish some of this information.

I go on to say this because they are trying to use this corrupt data, this corrupt scientific data, to pass not only a cap-and-trade energy tax which will run millions of jobs out of this country, but they are also trying to use it now in conjunction with the EPA and their latest ruling to try to literally threaten Congress by saying, Well, okay. If you don't pass cap-and-trade here in Congress, then the EPA will in a de facto way try to pass its own cap-and-trade by using these radical environmentalists in the EPA, again using the corrupt scientific data, to try to pass it even if Congress won't pass it because the American people have realized this will run millions of jobs out of our country.

Many groups, one being the National Association of Manufacturers, on the low end, says, We would lose 3 million jobs in our country if the cap-and-trade energy tax were passed, and every American family would pay over $1,000 more per year in higher electricity rates. All of this is based upon false scientific data that has been corrupted, and we know it from the Climategate emails.

Mr. BARTON of Texas. May I ask the Chair how much time we have remaining in our Special Order?

The SPEAKER pro tempore. There are 12 minutes remaining.

Mr. BARTON of Texas. There are 12 minutes. Okay.

At about 10 minutes to go, I have got some documents I want to put in the RECORD.

Mr. SCALISE. I yield back.

Mr. LINDER. I want to make one point.

The data that you are talking about and that we are acting on in this country with cap-and-trade is also the data being used in Copenhagen today, as we speak, to begin what Al Gore called the ultimate reason for all of this: global governance, turning over the sovereignty of the United States to an unelected bureaucracy and the United Nations.

Mr. BARTON of Texas. I want to thank Congressman SCALISE, Congressman LINDER, and Congressman SHIMKUS for participating in this Special Order.

What we are attempting to do is to actually use the scientific method to determine what steps, if any, the United States Government should take policy-wise if, in fact, climate change or global warming is a major problem that needs to be addressed. It does appear, in my opinion, that there is reasonable doubt about whether we should

take some of the radical steps that have been espoused in the climate change bills which have passed the House and which are pending in the Senate.

I want to take the remaining time and go through a series of emails that have just become public—we've alluded to them—and go into a little more depth.

The first email which we have already alluded to is from Michael Mann. Michael Mann is a climatologist at Penn State University. He is one of the leading scientists in the IPCC. He is the author of the original hockey stick theory that is kind of the genesis, the seminal document, for the theory that manmade CO_2 is the cause of the climate warming in the world. This is a document from him to Phil Jones, who was, until recently, the head of the Climate Research Unit at East Anglia University in Great Britain.

Now, Dr. Jones resigned in the last week or so, but in it, he says, Can you delete any emails that you've have had with Keith—Keith is Keith Briffa—regarding AR4?

AR4 is a U.N. IPCC fourth assessment document from 2007. It's one of these policy documents that is used around the world.

You can see that he says, I am going to contact Gene about this.

Okay. Gene is actually Eugene Wahl. He is at the National Oceanic and Atmospheric Administration's office in Boulder, Colorado. That's with the U.S. Department of Commerce.

He said, I am going to contact Gene about this. Can you delete any emails that you have? I'll get Caspar to do likewise.

Caspar is Caspar Jones—I mean Caspar Ammann. He is at the National Center for Atmospheric Research, or NCAR, in Boulder, Colorado. It's a federally supported consortium.

So, in this email, we have collaboration between NOAA, NCAR—both in the United States—the Climate Research Unit, which is CRU in East Anglia, Great Britain, and many prominent IPCC contributors coordinating document destruction. I think that is something that policymakers here in the United States should be concerned about.

Now let's go to the next document, email No. 2. Now, the first one was from Michael Mann to Phil Jones. This is from Phil Jones to a gentleman named Tom Wigley. Its subject is: Schles suggestion. This is last year, December of 2008. It says, I am supposed to go through my emails, and he can get anything I've written about him. About 2 months ago, I deleted loads of emails, so we have very little, if anything, at all.

So what this is showing is, or one could say, they have conspired to delete data. This is of Ben Santer, who is Santer 1, who is a prominent climate modeler at the Department of Energy's Lawrence Livermore National Laboratory, and of Tom Wigley, who is a scientist at the National Center for Atmospheric Research in Boulder, Colorado.

□ 1945

The gist of this is he has already deleted a lot of emails from 2 months ago. What are they trying to hide here?

Now, let's go to email number 3. Email number 3 shows an unprecedented data purge at the CRU in East Anglia, Great Britain. Here is a public index of documents on one day and then here is the public index on the next, very quickly, after they have gone through and purged all, purged all of this. It says the next day, on July 28, Phil Jones deleted data from his public files, leaving online a variety of files from the 1990s. This morning, everything in Dr. Phil's directory had been removed.

It's not just the emails that have been deleted, in a widely reported event. Steve McIntyre, who is a Canadian researcher who testified before Congress several years ago when I was chairman, and who has been attempting to get these data sets, to get these documents, he has been trying to get, through the Freedom of Information Act, the public documents that some of these studies are purported to be based upon. Instead of releasing them, they purged them. They took them away in what is reported to be an unprecedented data purge.

They have deleted files pertaining to station data from the public directories. Why? Where are the data now if they are still in existence? What is it they are trying to hide? If the temperature data records really proved their theory, they would want to publicize them. At least I would think that they would.

Let's go to number 4. This is an email from Phil Jones, who we know well now, to a gentleman named Neville Nicholls. Mr. Nicholls, let's see, Mr. Nicholls, I am not sure who Mr. Nicholls is, but here it says, I hope I don't get a call from Congress. I am hoping that no one there realizes I have a U.S. Department of Energy grant and have had this with Tom W. for the past 25 years.

This is back in 2005. This is when I was chairman of the Energy and Commerce Committee, and we were conducting the investigation into Dr. Mann's hockey stick proposal, hockey stick theory, and we had asked for some documents from Professor Mann, or Dr. Mann, and this gentleman is saying we hope the Congress doesn't realize that we are getting Federal money; we don't want them to be asking us about documents.

Of course, as we now know, they have destroyed many of those documents or apparently have destroyed many of those documents.

Let's go to number 5. Now, this documents shows the lengths to which they will go to suppress information, says if they ever hear that there is a Freedom of Information Act now in the UK, I think I will delete these rather than send them to anyone.

Now, Congressman MARKEY, who is a good friend of mine and who is a believer, a proponent of manmade global warming, has got data sets that he says justify some of the policies that he supports. But here we see that some of these documents and some of these data sets that Mr. MARKEY and others have—who sincerely believe that there is a problem—appear to be very suspect. In fact, they are so suspect that if they have to release them publicly, they would rather delete them than to comply with the Freedom of Information Act.

Tom Wigley had sent me a worried email when he heard about it. He thought that people might ask him for his model code. My heavens, you know. Keep in mind that this theory that mankind-made CO_2 emissions is driving the temperature upwards, it's just that; it's a theory. These researchers have built these models to try to replicate the planet's temperature mechanism, and all these models show the temperature going up.

But that's the conclusion that the modelers want. It is not factually correct to say the temperature is going up; it's factually correct to say the modelers, who want to prove that the temperature is going up, are putting variables and assumptions in these models that drive them up, but they apparently don't have the data to back that up.

Let's go to number 6. This is again from Mr. Jones, a gentleman named Gavin Schmidt, concerning the revised version of something called the Wengen paper, W-e-n-g-e-n. It says all of our Freedom of Information officers have been in discussions and are now using the same exceptions not to respond—the advice that they got from the information commissioner. The Freedom of Information line that we are using is that the IPCC—now keep in mind the IPCC is the Intergovernmental Panel on Climate Change—is funded primarily by the U.S. taxpayer, not exclusively, but primarily, is exempt from any country's Freedom of Information, because the skeptics have been told this. Even though we possibly hold relevant information that the IPCC is not part of our remit, i.e., mission statement, therefore we don't have an obligation to pass it on.

To me that's just irresponsible to say that the IPCC, which is a total governmental agency, admittedly through the U.N. and a large number of nations, but the U.S. as the primary funder, is above Federal Freedom of Information laws, not only in the United States but in every other country. This information that has been collected and paid for by U.S. taxpayers and funded by U.S. scientists is now out of reach of the U.S. taxpayer? I think that's just flat wrong, Madam Speaker.

My last email is number 7, and this shows, while they accuse people like myself of trying to be bullies and to ostracize people, here is an email where

again this Professor Mann, Michael, it's to Michael Mann from a gentleman named Malcolm Hughes, just a heads up; apparently the contrarians now have an in with GRL.

GRL, which is the Geophysical Research Letters, a prominent climate journal—this guy Sayers has a prior connection with the University of Virginia Department of Environmental Sciences that causes me some unease. Then later on—this is truly awful. If you think that Sayers is in the greenhouse skeptics camp, then if we can find documentary evidence of this, we could go through official ATU channels to get him ousted. They are trying to ostracize those that are honest enough to say that they have some doubts about the theory.

I will end with this: The theory of global warming caused by mankind is just that, it is a theory; it is not a fact. As U.S. taxpayers and as the guardians of the U.S. taxpayers, we should demand that the facts be made public so that we can make a relevant policy decision.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4213, TAX EXTENDERS ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules (during the Special Order of Mr. BARTON of Texas), submitted a privileged report (Rept. No. 111–364) on the resolution (H. Res. 955) providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4173, WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules (during the Special Order of Mr. BARTON of Texas), submitted a privileged report (Rept. No. 111–365) on the resolution (H. Res. 956) providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MASSIVELY EXPENSIVE AND ECONOMICALLY DESTRUCTIVE CAP-AND-TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Let me agree with the distinguished ranking member that global warming is something other than what has been presented. He said it's a theory. I would suggest that as we go on with my speech, you will learn that it is a fraud.

Madam Speaker, not too long ago I stood here on the floor of the House and remarked that I have expected Rod Sterling to appear from behind a curtain and announce, ''This is the twilight zone.''

Well, since then this body has continued on an agenda fit only for the most bizarre episode of that program. In the last month, Congress has passed bailouts, rescues and stimulus packages, dumping trillions of dollars of debt onto the backs of the American people and, yes, onto our children's backs, and their children's backs.

Congress passed a massively expensive and economically destructive cap-and-trade bill, moved toward a government takeover of our health care system, and now Congress appears ready to support President Obama's request to dig ourselves even deeper into the mire of Afghanistan. Optimism over the election of a new President promising change has turned into despair as the American people are realizing what kind of changes being imposed on our country. It's going from bad to worse.

This week marks the beginning of the United Nations framework convention on climate change in Copenhagen. It started yesterday, December 7, Pearl Harbor Day. How very appropriate. President Obama and Democrat leaders of Congress are planning to attend.

This conference could well bind the American people to a series of international agreements that will be a boon to globalist bureaucracy, and, yes, their power-elite allies, while at the same time picking the pockets of the American taxpayer and shackling us to restrictions, mandates, and controls inconsistent with our free society and enforced by governing bodies we have never voted for.

According to the conference's Web site, the conference in Copenhagen is a turning point in the fight to prevent what they claim will be a climate disaster, and I quote. ''The science demands it, the economics support it, future generations require it,'' proclaims the Web site.

Well, Madam Speaker, I am here to explain why that aggrandizing postulation is complete and utter nonsense, and to warn of the danger that lurks behind this high-sounding rhetoric. The Copenhagen conference is the culmination of efforts that began in earnest back in 1992. That was the year our ''New World Order'' President, George H. W. Bush, submitted the U.N. Framework Convention on Climate Change to the Senate. It was quickly adopted by a voice vote.

For the most part, that 1992 framework treaty was filled with grandiose yet vague principles. It asked for long-term CO_2 reductions from the 192 nations which signed that contract, yet few of the obligations were spelled out, and there was no enforcement or penalties written into that treaty. It stated objectives, and that was step number one.

Step two came in 1997 when the Kyoto Protocol established enforceable mandates, mandates stating those objectives that were started in the earlier network agreement that was sent on to the Senate by President Bush. The 1997 protocol was different than the earlier one because it had enforceable mandates to meet the objectives that were stated earlier. This clearly would have meant a fundamental altering of our economy, with a dramatic negative impact on the lives of our people. With the Republicans in control of the Senate at that time, President Clinton never submitted the Kyoto treaty for ratification.

Then in 2001 President George W. Bush said that we would not sign the Kyoto treaty due to the enormous cost and economic dislocation associated with complying with the Kyoto mandates, and that was the end of what would have been step number two.

Here we are at step number three, and while a Kyoto-like agreement is not likely, Copenhagen may well lay the foundations for the future that the globalists who are pushing this agenda envision for us, what they envision for the United States, U.S., us. The threat to us is there, and it is real.

A few months ago, H.R. 2454, the so-called cap-and-trade bill, passed the House and is now awaiting action in the Senate. That far-reaching legislation seeks to put in place taxes and regulatory policies that exactly parallel what the Copenhagen crowd would mandate and can be traced back to that same alliance between our domestic, radical environmentalists and a globalist elite.

This unholy alliance has already had an impact. It is no accident that for over the past 20 years America has built no hydroelectric dams, no nuclear power plants, no oil refineries and has brought into production a pitifully small amount of new domestic oil and gas.

□ 2000

In essence, our economy has been and is now being starved of traditional energy development. Even the much acclaimed solar energy alternative has been strangled in its cradle. The Federal Bureau of Land Management, which is unduly influenced by radical environmentalists, has prevented the building of solar-powered electric generating facilities in America's vast deserts. This supposedly to protect the habitat of lizards and insects, which are obviously more important to these elitist decision-makers than the quality of life of human beings. Our quality of life, us.

Again, the forces behind the undermining of America's domestic energy development know exactly what they're doing. Treaty obligations or not, they want to change our way of

life to remake America whether we like it or not. This isn't about green power; it's about raw political power exercised over our lives.

A few decades ago, the globalist radical environmental alliance latched onto an apocalyptic theory to justify their power grab. The theory is that the world is dramatically heating up because of how we human beings live, especially us Americans. So controlling us must be the answer to saving the planet from heating up and up and up.

When they geared up their crusade, our planet was in one of its many warming cycles. But the illusion that they were trying to create began to disintegrate about 9 years ago when the Earth quit warming and now may be in a cooling cycle. Undaunted, the fanatic claims and their predictions of global warming have now been transformed into a new, all-encompassing warning. So ''global warming'' was the phrase that was yelled and screamed at us for almost a decade, but now that has miraculously been changed into ''climate change.''

Do they think that the American people are stupid? Do they think that we'll just forget about their predictions of rapid rises in temperatures and that those predictions have been proven 100 percent wrong?

Even the much-touted melting of the Arctic ice cap has reversed itself in the last 2 years and is now refreezing and enlarging. The warming has ended, but the power grab continues. What we now are finding out is exactly how ruthless and, yes, how deceitful this power grab has been. It is becoming ever more apparent that during the 1990s, many scientists who refused to go along with the global warming paradigm were denied research grants. Prominent scientists like Dr. William Gray, former president of the American Meteorological Association, found themselves repeatedly rejected for research grants despite their careers of distinguished research excellence and accomplishments.

The liberal press ignored those transgressions, ignored that repression of opposing views. Yet the same press made it a huge controversy when during the Bush administration NASA asked Richard Hansen, who was NASA's most vocal global warming activist staffer, simply to note when being published that the opinions that he was publishing were his opinions and not necessarily endorsed by NASA. Well, the press made that into a horrible attack on his rights.

This was censorship. There were hearings in Congress about that, simply asking this man to acknowledge that it was his opinions and not the official opinions of NASA. Well, how does that compare with the coverage and the outrage over outright repression and denial of research grants to prominent scientists? How does that compare with Vice President Gore's firing of Dr. William Happer as the lead scientist at the Department of Energy? This because Happer was open minded on the issue of global warming. Not that he opposed it, but that he was open minded about it. The double standard in the reporting of this issue has been appalling.

Zealots can usually find high-sounding excuses for their transgressions. This abusive attack on Happer and so many others, so many other prominent scientists, of course, was perpetrated in the name of protecting all of us from a climate calamity: man-made global warming that we were repeatedly warned was going to fry the planet.

We can still hear alarming claims of a disastrous upward jump in temperatures, rising sea levels, Arctic meltings, forest fires, hurricanes, acid seas, dying plants and animals. Every climate-related disaster that a Federal research grant can conjure up we're hearing about because that's how they get their government grants. That's how they qualify.

Professional figures in white coats with authoritative tones of voice and lots of credentials repeatedly dismissed specific criticism of what they were proposing by claiming that their so-called scientific findings had been peer reviewed, verified by other scientists. Rather than honestly discussing the issues that were being raised, they portrayed themselves as beyond reproach. They've been peer reviewed. So why even discuss any specific criticism? Just dismiss it.

They gave each other prizes as they selectively handed out research grants. Those who disagreed no matter how prominent were treated like nonentities, like they didn't exist, or they were personally disparaged, labeled deniers, you know, like Holocaust deniers. How much uglier can you get?

But such tactics won't work forever. It's clear their steamroller operation is beginning to fall apart. We know that, because we hear scientists who have been clamoring for subservient acceptance of their theory of man-made global warming, we now can find out and we now understand that those very same scientists, they themselves were making a sham out of scientific methodology and were indeed repressing dissent and destroying peer review.

I'm speaking, of course, about the over 1,000 emails and 3,000 other documents that were purloined from one of the foremost global warming research institutes in the world, the Climate Research Institute at East Anglia University in the United Kingdom. Let me acknowledge, yes, a hacker or possibly a whistleblower may have been responsible for making this information public, but contrary to the frantic attempt to distract attention away from the clear wrongdoing and arrogance that was exposed in these communications, contrary to that, how those documents were obtained is not what's relevant. It's the truth of these emails that counts, not how the information was obtained.

What do these formerly private and now exposed communications say? One email is from Kevin Trenberth, head of the Climate Analysis Section at the National Center for Atmospheric Research in Boulder, Colorado. In it he describes his utter frustration with studies that reach conclusions contrary to his clique's predictions of a looming global warming disaster. Even more frustrating, the temperatures being recorded, contrary to his august observations and predictions, contrary to them, things were getting colder, much colder than usual.

And here, folks, is the clincher: Trenberth laments in this email, in this formerly secret communication, ''The fact is we can't account for the lack of warming at the moment, and it is a travesty that we can't.'' Rather than reconsidering his position, he is complaining. He can't find a cover thick enough to hide his errors.

So what do you do if those gosh darn numbers show that there is no warming? Well, you fudge the numbers of course. There is a 1999 email from Phil Jones, the center's director, talking about a ''trick'' in the presentation of data intended ''to hide the decline.'' What does ''decline'' mean when he says ''hide the decline''? A decline in global temperatures, of course. These people who are touting global warming are talking about hiding the decline in temperatures that would prove that there is no global warming going on at this time.

To those who have followed this issue closely, this is nothing new. We have seen it before. There was a famous graph produced by Michael Mann, one of the most prominent global warming advocates. His famous graph, as well as his highly touted lectures, deleted the existence of a warming period in the Middle Ages and the 500-year decline in the Earth's temperature, which ended in about 1850, known as the Little Ice Age. Those very real temperature cycles were left out of his graphs. And many of the newly revealed emails detail that this was intentional deception.

Mann's graph indicated centuries-long stability instead of two distinct climate cycles going up and down. And then after presenting a graph that just had centuries-long stability, then we were shown a jump in temperature that looked like a hockey stick, the end of a hockey stick. Stability and then a big jump forward. That graph was a fake, and the jump in temperature he predicted didn't happen.

So now the climate elite has simply deleted the hockey stick graph from their presentation even though it was a distinct part of their presentation for years, just as Mann had deleted the preceding warming and cooling cycles when he analyzed modern temperature trends and put them into his graph.

As more honest and level-headed scientists from around the world raised serious questions, well-funded global warming alarmists were hard pressed

to answer critics. So what is a true believer to do when you hear criticism? Well, shut up the opposition of course. No, don't consider what the opposition is saying. Don't try to have an honest dialogue. No, shut them up.

Here's Phil Jones again, this time about censoring criticism: ''I can't see either of these papers being in the next IPCC report.''

Let's stop right there. So here he is trying to leave out of the IPCC report papers that were contrary in view; yet they tout over and over again that the IPCC is the basis for their credibility. It's all the time talking about the IPCC report. Yet here we have a quote talking about how they're trying to censor what goes into that report.

Quoting further: ''Kevin and I will keep them out,'' meaning this information out of the IPCC report, ''even if we have to redefine what the peer-review literature is.'' And these are the same people who were proclaiming that their credibility came from the IPCC and peer-reviewed research.

Well, let's look at what happened next when an editor of an academic journal does not buckle under to this kind of pressure and actually publishes the work of a skeptical scientist. Here's what Jones says: ''I will be emailing the journal to tell them I'm having nothing more to do with it until they rid themselves of this troublesome editor.'' This guy is conspiring to get the editor of a research publication fired. And what was it for? For publishing a contrary review.

Is this science? These emails are filled not with answering critics but with the effort to stifle the right to question what these people were advocating.

Significantly, man-made global warming alarmists have continually countered criticism by arrogantly dismissing tangible questions and asserting that peer reviews backed them up. Well, now we can see the evidence that these self-righteous snobs who saw themselves as above criticism were manipulating, if not destroying, the peer review process so no one with other points of view could actually participate. Get that?

□ 2015

They say you can't question our material because ours has been peer reviewed and your criticisms haven't, but they themselves were undermining the ability of those critics to have their criticisms published in a peer-reviewed publication. Have they no shame? But there's more than this.

Jones again, this time to Professor Michael Mann of Pennsylvania State University, the same guy with the phony hockey-stick graph, is talking about hiding information from critics:

''If they ever hear there is a freedom of information act now in the U.K., I think I'll delete the file rather than sending it to anyone.''

Let's read that again:

''I think I'll delete the file rather than sending it to anyone.''

Madam Speaker, this is not only arrogant, it's criminal. We have been and continue to be the victims of outright lies, and victims of an effort to focus our people on some kind of created and mythical scientific findings in order to scare and force our people into accepting draconian economic and regulatory policies.

Senator JAMES INHOFE of Oklahoma has called for an investigation in the Senate. There should be one in the House as well. Certain scientists receiving Federal research grants are betraying the standards of their own profession. And, yes, as I say, perhaps breaking the law. Countless numbers of our own people will suffer job losses and a decline in their standard of living if policies based on phony science, bad practices, the suppression of dissent and outright lies are put in place and enforced. Before any action is taken by this Congress on cap and trade legislation, a full inquiry into this horrific abuse of science should be conducted.

Wake up, America. They are trying to steal our freedom with lies and scare tactics. The Good Book says, ''The truth shall set you free.'' A caveat might be, ''And a lie can destroy your freedom.'' Perhaps the most perplexing of all, the global warming elite continues to herald their projections of man-made gloom and doom. They try to ignore the uproar that we've had with these emails. They ignore it, or they just change the subject. But this recent revelation of these emails seriously calls into question the basic science that these man-made global warming fanatics claim to be irrefutable. Well, let's look at this so-called ''irrefutable science'' that is the basis of the man-made global warming advocates.

I in fact—and I would make this very clear at this moment—would challenge any Member of Congress to come here and debate me in the future on the science of this issue. Let me make that clear. This Congressman, I am a senior member of the Science Committee, I challenge any of the advocates of man-made global warming to come here and debate me on the science of the issue. We shouldn't be dismissing our opposition's arguments any more than those scientists should have been. We are here to make policy and to determine truth. Let's have an honest debate on this.

First, let's talk about the so-called global warming cycle that's being used as an excuse, or as a reason to look at human activity, the global warming cycle that's being caused by human activity. That's fundamental to this whole issue. We know that there have been weather and climate cycles throughout the long history of our planet. That's going back to prehistoric times. There has been cycle after cycle. One of the more recent of these cycles, the one ignored by Dr. Michael Mann, a cooling cycle that reduced temperatures on this planet for 500 years. That was between 1300 and about 1850. It's called the Little Ice Age. Amazingly, with a straight face, the global warming alarmists are using the low point in a 500-year cooling cycle as the baseline for determining if humankind is making the planet hotter at this time. Get that. We should declare an emergency because, according to the alarmists, the Earth is a tiny bit, perhaps 1 degree warmer than it was at the bottom of a 500-year decline in temperature. Professor Mann can't wipe that out. He may try to delete it from his graphs and pretend it didn't happen, but this has been well documented. I remember there was a History Channel report going through the entire time of this mini Ice Age.

Our current climate cycle is no different than the other numerous cycles that preceded it. It is dishonest to create hysteria by using the end of a cycle known as the Little Ice Age at a 500-year low in the Earth's temperatures as a baseline for apocalyptic claims that it is now getting extraordinarily warmer. On top of that, as people, the alarmists are claiming that it's our fault. It's the people's fault. It's us. We're the bad guys. We're the ones making the climate go up so much warmer than it normally is and they're using as a baseline a 500-year low in the Earth's temperatures.

So science question challenge No. 1: Are man-made global warming advocates using an unrealistically and unreasonably cooler moment as the baseline for their analysis? Question No. 2: What are the causes of the climate cycles that we've been talking about? The alarmists claim it's us. It's people. There were such cycles, of course, in the Earth's temperatures and climate even before prehistoric man existed. If there were such cycles, then there must be some explanation other than human activity, because this was before humans existed, there must be some other explanation for the weather and temperature trends of those days.

Well, then what is the other explanation? Many scientists believe cycles of climate have resulted from solar activity. After all, the sun is the biggest source of energy on our planet. The biggest. Everything else pales in comparison. Some of the revealed emails are specifically aimed at debunking this explanation by altering graphs and distorting data. The solar explanation is consistent with the fact that climate cycles on Earth parallel cycles taking place on other planetary bodies. That's right; like Mars, or the moons of Jupiter which have similar and simultaneous cycles to those on our Earth. But the global warming gang is intent on blaming us.

In recent years, for example, human activity has been declared the culprit causing the melting of the Arctic ice cap. Who hasn't seen pictures of sad-looking polar bears stranded there on an ice floe, obviously a victim of man-made global warming? Such nonsense plays on our emotions, but it is presenting a distorted and dishonest picture of reality. Yes, until recently the

Arctic ice cap has been retreating. There is no doubt about that. But what about the ice cap on Mars? Yes, at the same time our Earth's ice cap was retreating, the ice cap on Mars was retreating; mirroring, paralleling what was going on on Earth. Does that indicate that the cycle that we're talking about might have been caused by the sun and not by too many people driving SUVs or using modern technology? So maybe it's the sun that has affected the habitat of the polar bears, just as other cycles have affected the habitat of the plants and animals living in the time when those cycles kicked in.

By the way, there's something to keep in mind when one hears for the umpteenth time that the polar bears are becoming extinct. The polar bears are not becoming extinct. In fact, the number of polar bears on this planet has dramatically expanded. There are four to five times the number of polar bears in the world today than there were in the 1960s. And I have spoken before groups of students and they have been given this lie over and over again and they are crestfallen to hear that maybe what they've been told are lies. Yes, lies. The extinction of the polar bear is about as real as the film footage of dissipating ice caps in former Vice President Gore's movie An Inconvenient Truth. That, too, was a scam. A special effect made of Styrofoam was presented to us, especially to our impressionable children, to create the illusion that this was documenting the melting and breaking off of the Arctic ice cap. It was Styrofoam. Styrofoam. It was phony, just as many of the arguments presented in that movie were phony; were false.

So here's another scientific challenge, challenge No. 2: If there have been many other cycles and if the ice cap is melting on Mars just as it is here, how can this climate cycle be a result of human activity rather than solar activity? Which brings us to the theory of just what man does that supposedly creates global warming. Well, this allegation is based on the well-promoted theory that greenhouse gases—and according to the alarmists CO_2 is by far the worst culprit—these greenhouse gases and, thus, CO_2, the worst one of all, are trapping heat in the atmosphere and the increase of CO_2 levels is thus leading to a disastrous jump in the Earth's temperature.

So let's look at this theory. I don't dismiss it. Let's look at it. Let's answer it. I wish the American people and the rest of us were paid an equal amount of respect by those people, the alarmists, who are advocating the man-made global warming theory. So let's look at this. Let's look at their theory now and give it an honest look. With all the hoopla about CO_2, nonscientists might believe that it is a huge part of the atmosphere. I want everyone here, my colleagues and everyone listening, to ask themselves: What percentage do you think that CO_2 is of the atmosphere? Well, most people think it's a huge part. Some people I've asked have actually suggested it was between maybe 40 and 60 percent of the atmosphere.

Well, that's wrong. Wrong. People have been given a false impression. CO_2, carbon dioxide, is a minuscule part of our atmosphere. And, as I say, most of the people I've talked to, even the highly educated ones, have thought that CO_2 makes up maybe 25, maybe 40, one guy even said 60 percent of the atmosphere. In reality, CO_2 is less than .04 percent of the atmosphere. So CO_2 is not even one-half of one-tenth of 1 percent of the atmosphere. Not even one-half of one-tenth of 1 percent. This is a minuscule part of the atmosphere that we have been led to believe is having this dramatic impact on weather patterns.

And where did the minuscule amount of this CO_2, even though it's as small as it is, one half of one-tenth of 1 percent of the atmosphere, where did that minuscule amount come from? With all the hoopla, one would assume that most of the atmosphere's CO_2 can be traced to human activity. No. At least 70 percent of the CO_2 in our atmosphere has a natural source and has nothing to do with human activity.

□ 2030

I have been in Science Committee hearings where very prominent scientists have suggested that it might be 80 or 90 percent of the CO_2 in the atmosphere coming from natural sources. But let's say, okay, at least 70 percent.

So the part of the atmosphere that is CO_2 generated by man is even less than miniscule. It is a minor part of a miniscule component, and if we suppress our standard of living enough to eliminate even one-tenth of man's contribution, then one big volcano, or maybe some forest fires could totally undo this supposed reduction in CO_2. And to get a 10 percent reduction means a dramatic attack on the standard of living of our people and the reallocation of trillions of dollars. We are to give up our own freedom and prosperity, and hand over such power as I have just mentioned to a global government or even to a centralized Federal Government here in the United States? All for that, for something for a step forward that could be erased by a big volcano or perhaps a series of forest fires? That's insane.

Well, undaunted, the alarmists point to increases in CO_2, which they label as alarming, of course. That's why they're alarmists; they call it alarming. Starting from such a miniscule level, however, it's like using a phony temperature baseline, like they did with the end of the mini ice age. But using that as their baseline, with the miniscule level of CO_2, this can distort the importance of, when someone says that there's been a rise in the amount of CO_2, because it's, to begin with, it's a very, very, miniscule amount or part of our atmosphere. So if there's an increase in that, it's not going to have the same impact as what most people have led to believe, the people who believe that it's 40 percent of our atmosphere.

But this increase, of course, no matter, has been described to us in such sinister terms that we are supposed to believe that it is making the world hotter, and so it's mankind, by increasing CO_2, making the world hotter. When trying to pull this off, they don't mention that in recent times, CO_2 levels, yes, have increased, but contrary to the alarmists' theory, the Earth's temperatures have gone down. Remember, we are being told that the rise of CO_2, which is a miniscule part of our thing, but the rise of the CO_2 in our atmosphere is causing the atmosphere to warm. Again, there are clearly times when CO_2 has been going up but the temperature has gone down.

So science challenge number 3, if manmade CO_2, which is a miniscule part of a miniscule element of the atmosphere, if that causes warming, then why is it that when mankind has been emitting more and more CO_2, like in the 1940s, the fifties and the sixties, and at a time, at that same time when CO_2 levels in general were rising, why was there an actual cooling going on in our climate? This is true today, too. We have an increase in CO_2, but there's been a cooling going on, or at least there hasn't been a warming for the last 10 years. Remember, no matter how they've tried to hide it—and that attempt to hide it is very clear in the emails that have just been exposed. No matter how they try to hide it, global temperatures have not gone up for almost a decade.

It should be noted that scientific ice core specialists now tell us that historically, over a course of 500 years, CO_2 increases followed temperature increases. It would appear that when it gets warmer, the Earth produces more CO_2. The alarmists have it totally backwards, and they're using that as an excuse to dramatically increase their power to control our lives. It is a flawed theory. It is the warmer Earth that creates the CO_2 increase, not the other way around. But that would mean, of course, human beings, if they accept that it's the Earth and it's the warming of the Earth that creates more CO_2, that would mean that us human beings, that we're off the hook, and the globalists would have no excuse for their power grab and no excuse to control us, to tax us, and to regulate away our livelihood.

Well, it's not getting any warmer, and contrary to those trying to frighten us into giving up our freedom, CO_2 is not a threat to the planet and is not a pollutant. It is not harmful to human beings or animals. It is food for plants which then give us oxygen. Throughout the world, greenhouses, sometimes they're called hothouses, are growing vegetables by pumping CO_2 to feed the plants. And they end up, after pumping CO_2 into these hothouses, they end up with bigger, juicier tomatoes, berries, and other crops.

CO_2 is not a threat to human health or a threat to the planet. During ancient times, before human beings, there were much higher levels of CO_2 in the air, and life on this planet flourished. Even in the oceans, which were, yes, more acidic, ocean life was robust and abundant at that time. All of this makes the announcement yesterday that the EPA will treat CO_2 as a pollutant all the more astounding and, yes, repugnant. It is an example of the heavyhanded power grab we are up against.

By declaring CO_2 a pollutant, a threat to human health, they have empowered the EPA to issue orders, mandates, regulations, controls, and fines which will be put in place and enforced even without a vote of Congress, unelected officials declaring themselves as having this enormous power over us. This bypassing of the authority of Congress is a manifestation of tyranny. I don't care if they think that they are saving the world. This is tyranny. If there are changes in the law that are required by some climate theory, let us debate them, have an honest debate. Let's not impose this on the American people without having elected officials be held accountable for that decision. And, of course, we know now the theories that we're talking about are all based on the cooked books and phony science, which makes it all even worse.

So now on to challenge number 4, which focuses on the accuracy of the statistics being used to justify manmade global warming. Importantly, the alarmists who are raising all of this ruckus, they're doing it about less than 1 degree of an increase in the global temperature. So we hear all of this ruckus, but it's only increased, even by what they're claiming, less than 1 degree, or just about 1 degree over 150 years. So small inaccuracies can have huge implications to this process.

Well, an investigation has found accuracy problems with 80 percent of America's National Weather Service stations which collected the data here in the United States. And worse, our system, even with 80 percent of the stations not meeting reliable standards, we've been heralded as the best in the world.

But what about the statistics gathered in the rest of the world, in the developing countries and in other countries? What about the statistics that were gathered here and abroad 100 years ago or 150 years ago? Does anyone have faith in those figures? Remember, that's what was fed into the computer. Let's remember also, garbage in, garbage out is a truism when it comes to computers. The whole basis for this so-called irrefutable evidence of global warming rests on computer models that were based on data collected from faulty systems.

Perhaps just as troubling, the data fed into these computers is no longer available for reassessment. Yep, the data was deleted by the research institutes. Deleted, just like they talked about in these hacked emails. And a close reading of the recently exposed emails reveal that alterations were made in the raw data being fed into computers. They were called adjustments of the data. In short, they cooked the books, and that data is no longer available. It was deleted by the research institutes and can not be looked over again for accuracy. Oh, well, I guess we should just trust them.

Fortunately, the ground-based sensors that fed those infamous computer models are not the only source of temperature data. Information is also available from research and observation satellites and weather balloons, and, you guessed it, that source is in conflict with the ground-based data. Of course, no one is certain of that, because all of this we're talking about was the data before adjustments were made and before it was all deleted.

So how is this for a scientific challenge? Defend the scientific integrity of the manmade global warming data collection process. It's got more holes in it than a spaghetti strainer. And this manmade global warming theory is the greatest scam in history. This, of course, is only one of many scams designed to frighten us into draconian solutions for fictitious problems.

I remember when I was a kid, they said cranberries cause cancer. Two years later, after the cranberry industry was decimated, Oh, sorry, we made a mistake. Then you remember cyclamates were supposedly causing cancer. That cost the American industry hundreds of millions of dollars. It destroyed a sugar substitute which was perfectly fine, and it ended up getting America and perhaps the rest of the world hooked on high fructose corn syrup, only to be found out later on that cyclamates are not carcinogenic at all. And, in fact, Canada never banned them at all, and now its cyclamates are free to be consumed here in the United States.

Well, then we remember Dr. Meryl Streep, a prominent scientist and movie actress who warned us about Alar, only to find out that that was fictitious. We remember Three Mile Island and Jane Fonda, a presentation which stopped the building of nuclear power plants and made us even more dependent on foreign oil. So what did we do? We now depend more on oil and coal for our electricity because Jane Fonda created the impression that nuclear energy was not safe.

And then during the Reagan administration there was a furor about acid rain, which was presented to us, again with a phony baseline. They said that the lakes in the Northeast and everything were becoming more acidic, and they used as their baseline the time immediately in the years that were after a massive number of fires in that area turned those lakes into a base and, thus, the acidity was not the natural acidity that they normally were at. And they were going back to the natural acidity. It was a phony baseline, and it totally distorted the so-called problem.

The topper of them all, many of the very same gang now agonizing over manmade global warming, they were the same people who were warning us with similar intensity about the coming ice age. And then, of course, we have to remember, there's a big price to pay for all of this, big price to pay for lies. Like, for example, the report that bird shells were thinning, which resulted in a global ban on DDT. Millions of children in the Third World have subsequently lost their lives to malaria because of that ban. Apparently, birds were more important to those who made policy than those millions of poor and struggling children in the Third World who lost their lives to malaria, a disease that we had controlled before we banned DDT.

The cap-and-trade bill, rammed through the House by deceit and alarmist propaganda, awaits the U.S. Senate. If it becomes law, as I said on the floor, the debate, our economy will go to hell and our jobs will go to China. And yes, it will affect all of us big time. And that's what this is all about, changing our lives big time.

What are some of the long-term changes these steely-eyed fanatics behind cap-and-trade and global warming and behind the Copenhagen gathering want to make in our lives? It's a long run, but here's some of the things they want.

They want gas to at least double in price, probably triple, maybe more. Parking prices need to go up. Parking permits need to go way up. Air travel will be out of reach for ordinary people by elimination of frequent flier miles and discount tickets and simply dramatically raising the price of airplane tickets. Only the rich and powerful in their private jets and limousines will be free to travel as they please.

Yes, and there will be restrictions on our diet. Embedded in the manmade global warming movement is a contingent of power freaks who want to restrict our meat consumption by limiting production. This is based on the idea that methane from cow flatulence threatens the stability of the planet's climate. This is insane. So hamburgers are out, much less backyard barbecues.

The prices of electricity, just like every energy source, would be pushed sky high, as will the price of almost everything that we consume because everything manufactured or farmed depends on energy. The goal is to put limits on human activity, especially human consumption. To these fanatics, anything used or consumed that is not essential is a waste of resources.

□ 2045

Ronald Reagan used to say about this crowd, They won't be satisfied until we're all living in a bird's nest.

So why is Congress on the verge of passing this monstrous legislation which will bolster the competitiveness

of China and India while undercutting our own economy and our way of life? This is a product of a radical environmentalist-globalist coalition. They want to build a whole new world based on benevolent control by people like themselves. They have a vision of a harmonious and balanced world, and they don't mind scaring us into accepting it or imposing it upon us.

And that is where the real threat comes in. This is not just the EPA pushing democracy aside to centralize power and controls in Washington, D.C., which is, in and of itself, contrary to what America is supposed to be all about. This is about centralizing power into the hands of global government. That is what Kyoto and Copenhagen are all about. That's what the radical environmentalist and globalist alliance is all about.

Wake up, America. We still have time to turn this around. We must fight the globalist clique that is trying to shackle future generations of Americans to a burden of economy-killing debt. They are chains that will be hard to break, but we must have the strength and the commitment to do so.

We will not give up our freedom, and we are not powerless. We will stand together, Americans of every race and religion, of every ethnic group and social status. We will fight as united patriots, and we will win. Members of Congress need to hear from angry constituents, and I predict they will.

Yes, we need to overcome this power grab. We need to overcome this alliance between radical environmentalists and the globalists. But most of all, in order to win, we need to overcome apathy among the American people. It is when the American people rise up in a righteous rage that our freedom will be secure. This is a power grab that is aimed at destroying our freedom.

Wake up, America. We should not be giving more power to United Nation panels or anybody else or any other institution internationally that is composed of governments that are controlled by gangsters and thugs that we would never dream of electing here in the United States, countries that don't have any freedom of press. We're going to give authority to enforce environmental laws and rules that we've never voted on to bodies like that? Or we're going to go along with the EPA and push the Congress aside and elected officials aside and let that be imposed upon us by people who have never been elected to anything? No. We must stand up and defeat this power grab.

Wake up, America. Your freedom and prosperity are at stake.

I have three children at home: little Christian, Anika and Tristan. We owe it to them and the children of this country to pass on freedom and opportunity that has been passed on to us. The sacrifice, the sacrifice of generations of Americans to provide us the democracy that we have, the democratic way of fighting these battles that we have. We will not see that destroyed.

We will instead use the democratic process in this fight and hold true to the principles, and what was passed on to us by generations of Americans, and we will also be true to future generations of Americans. But now it's up to us. If we don't act, this conspiracy of lies, of distortions in the scientific community coupled with an alliance with a globalist who would centralize power in global government. No. We must defeat them, or we will not be living up to our responsibility, not living up to what we should be asked to do as Americans, and that is to pass on this freedom.

We are united patriots, and we will win.

With that, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore (Mrs. DAHLKEMPER). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2322

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. WASSERMAN SCHULTZ) at 11 o'clock and 22 minutes p.m.

CONFERENCE REPORT ON H.R. 3288, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OLVER submitted the following conference report and statement on 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:

[Book II of the House portion of the RECORD containing the Conference Report on H.R. 3288, dated December 8, 2009, will be published at a later date.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today until 3 p.m. on account of travel.

Mr. REICHERT (at the request of Mr. BOEHNER) for today on account of supporting the law enforcement community and the families of four fallen officers from the Lakewood Police Department at a memorial service in Tacoma.

Mr. ARCURI (at the request of Mr. HOYER) for today on account of official business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mr. CONNOLLY of Virginia, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. MASSA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. AKIN, for 5 minutes, today.

Mr. PAUL, for 5 minutes, December 10 and 11.

Mr. JONES, for 5 minutes, December 15.

Mr. POE of Texas, for 5 minutes, December 15.

Mr. DUNCAN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, December 14 and 15.

Mr. INGLIS, for 5 minutes, today.

Mr. OLSON, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1422. To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

ADJOURNMENT

Mr. OLVER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 9, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4916. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Whistleblower Protections for Contractor Employees (DFARS Case 2008-D012) (RIN: 0750-AG09) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4917. A letter from the Assistant General Counsel for Regulatory Services, Office of

General Counsel, Department of Education, transmitting the Department's final rule — Institutional Eligibility Under the Higher Education Act of 1965, as Amended, and the Secretary's Recognition of Accrediting Agencies [Docket ID: ED-2009-OPE-0009] (RIN: 1840-AD00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4918. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Investigational New Drug Applications; Technical Amendment [Docket No.: FDA-2009-N-0464] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4919. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Leupp, Arizona) [MB Docket No.: 09-98] received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4920. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to the Export Administration Regulations based on the 2008 Missile Technology Control Regime Plenary Additions [Docket No.: 090126060-91251-01] (RIN: 0694-AE53) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4921. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. Act 18-239, ''Hospital and Medical Services Corporation Regulatory Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4922. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. Act 18-238, ''Omnibus Election Reform Amendment Act of 2009'', pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4923. A letter from the General Counsel (Acting), National Indian Gaming Commission, transmitting the Commission's final rule — Amendments to Various National Indian Gaming Commission Regulations (RIN: 3141-0001) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4924. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS59) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4925. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS58) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4926. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch by Vessels in the Amendment 80 Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS57) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4927. A letter from the General Counsel, Department of Justice, transmitting the Department's final rule — Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands [EOIR Docket No.: 169 AG Order No. 3120-2009] (RIN: 1125-AA67) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4928. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Naval Base Point Loma; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-1016] (RIN: 1625-AA87) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4929. A letter from the Attorney-Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorages; New and Revised Anchorages in the Captain of the Port Portland, OR, Area of Responsibility [Docket No.: USCG-2008-1232] (RIN: 1625-AA01) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4930. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Beachfest Fireworks, Pacific Ocean, San Diego, CA [Docket No.: USCG-2009-0811] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4931. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Pollution Prevention Equipment [Docket No.: USCG-2004-18939] (RIN: 1625-AA90) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4932. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Waters Surrounding M/V Guilio Verne and Barge Hagar for the Transbay Cable Laying Project, San Francisco Bay, CA [Docket No.: USCG-2009-0870] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4933. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; East River, New York City, NY [Docket No.: USCG-2009-0348] (RIN: 1625-AA09) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4934. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Catholic Church Procession; San Diego Bay, San Diego, CA [Docket No.: USCG-2009-0812] (RIN: 1625-AA00) received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4935. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG (IAE) V2500-A1, V2527E-A5, V2530-A5, and V2528-D5 Turbofan Engines [Docket No.: FAA-2009-0294; Directorate Identifier 2009-NE-08-AD; Amendment 39-16057; AD 2009-22-06] (RIN: 2120-AA64) received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4936. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hamilton Sundstrand Power Systems T-62T-46C12 Auxiliary Power Units [Docket No.: FAA-2009-0247; Directorate Identifier 2009-NE-07-AD; Amendment 39-16040; AD 2009-21-03] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4937. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and -300 Series Airplanes [Docket No.: FAA-2009-0907; Directorate Identifier 2009-NM-072-AD; Amendment 39-1604; AD 2009-21-05] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4938. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; 328 Support Services GmbH Dornier Model 328-100 and -300 Airplanes [Docket No.: FAA-2009-0616; Directorate Identifier 2009-NM-070-AD; Amendment 39-16043; AD 2009-21-06] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4939. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No.: FAA-2009-1369; Directorate Identifier 2003-NE-03-AD; Amendment 39-16048; AD 2009-21-09] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4940. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. ARRIUS 1A Turboshaft Engines [Docket No.: FAA-2009-0348; Directorate Identifier 2009-NE-39-AD; Amendment 39-16050; AD 2009-21-11] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4941. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes [Docket No.: FAA-2009-0909; Directorate Identifier 2009-NM-172-AD; Amendment 39-16045; AD 2007-23-05 R1] (RIN: 2120-AA64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4942. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification; Correction [Docket No.: FAA-2006-26661; Amendment Nos. 61-124A, 91-309A, and 141-12A] (RIN: 2120-AI86) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4943. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule — Disadvantaged Business Enterprise Program; Inflationary Adjustment [Docket No.: DOT-OST-2009-0074] (RIN: 2105-AD79) received November 13, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4944. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30692; Amdt. No. 3344] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4945. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30691; Amdt. No. 3343] received November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4946. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — Removal of Delegations of Authority to Secretary, received November 12, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4947. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Production and Airworthiness Approvals, Part Marking, and Miscellaneous Amendments [Docket No.: FAA-2006-25877; Amendment Nos. 1-64, 21-92, 43-43, and 45-26] (RIN: 2120-AJ64) November 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 1319. A bill to prevent the inadvertent disclosure of information on a computer through the use of certain ''peer-to-peer'' file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; with amendments (Rept. 111–361). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2221. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; with amendments (Rept. 111–362). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 512. A bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns; with an amendment (Rept. 111–363). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCURI: Committee on Rules. House Resolution 955. Resolution providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 111–364). Referred to the House Calendar.

Mr. PERLMUTTER. Committee on Rules. House Resolution 956. Resolution providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes (Rept. 111–365). Referred to the House Calendar.

Mr. OLVER: Committee of Conference. Conference report on H.R. 3288. A bill 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 (Rept. 111–366). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. RANGEL (for himself, Mr. OBERSTAR, Mr. CAMP, Mr. MICA, Mr. COSTELLO, Mr. PETRI, and Mr. LEWIS of Georgia):

H.R. 4217. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Considered and passed.

By Mr. TANNER (for himself and Mr. SAM JOHNSON of Texas):

H.R. 4218. A bill to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators; to the Committee on Ways and Means. Considered and passed.

By Mr. WILSON of South Carolina (for himself, Mr. KINGSTON, Mr. INGLIS, Mr. BROUN of Georgia, Mr. SOUDER, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. MILLER of Florida, Mr. FORBES, and Mr. AKIN):

H.R. 4219. A bill to establish a National Commission on American Recovery and Reinvestment; to the Committee on Education and Labor.

By Mr. BUYER (for himself, Mr. MORAN of Kansas, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. BUCHANAN, Mr. ROE of Tennessee, Mr. BILBRAY, and Mr. LAMBORN):

H.R. 4220. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to small business concerns and employment assistance, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Education and Labor, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. ROE of Tennessee, Mr. BILBRAY, Mr. LAMBORN, Mr. BROWN of South Carolina, and Mr. BOOZMAN):

H.R. 4221. A bill to amend title 38, United States Code, to provide for improved acquisition practices by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mrs. EMERSON, Mr. SOUDER, Mr. ROONEY, Mr. BUCHANAN, Mr. ROSKAM, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PUTNAM, Mr. MARIO DIAZ-BALART of Florida, and Mr. MACK):

H.R. 4222. A bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention; to the Committee on Energy and Commerce.

By Mr. KILDEE (for himself, Mr. RYAN of Ohio, and Mrs. BIGGERT):

H.R. 4223. A bill to support evidence-based social and emotional learning programming; to the Committee on Education and Labor.

By Ms. VELÁZQUEZ (for herself, Mr. FRANK of Massachusetts, and Ms. WATERS):

H.R. 4224. A bill to establish a pilot program to train public housing residents as home health aides and in home-based health services to enable such residents to provide covered home-based health services to residents of public housing and residents of federally-assisted rental housing, who are elderly and disabled, and for other purposes; to the Committee on Financial Services.

By Mr. COSTA (for himself and Mr. CARDOZA):

H.R. 4225. A bill to authorize drought assistance adjustments to provide immediate funding for projects and activities that will help alleviate record unemployment and diminished agricultural production related to the drought in California; to the Committee on Natural Resources.

By Mr. REICHERT (for himself, Mr. KIND, Mr. DAVIS of Kentucky, Mr. BLUMENAUER, Mr. LEE of New York, and Mr. PERRIELLO):

H.R. 4226. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHRADER (for himself, Mr. WALDEN, Mr. BAIRD, Ms. HERSETH SANDLIN, Mrs. MCMORRIS RODGERS, Mr. MINNICK, and Mr. DEFAZIO):

H.R. 4227. A bill to authorize the Secretary of Agriculture to provide loans to support the conversion of energy generation or heating and cooling systems to the use of renewable biomass and to support the installation of new equipment to use renewable biomass for such systems, and for other purposes; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 4228. A bill to require the Forest Service to accommodate, to the extent consistent with the management objectives and limitations applicable to the National Forest System lands at issue, individuals with mobility disabilities who need to use a power-driven mobility device for reasonable access to such lands; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BEAN (for herself and Mrs. CAPITO):

H.R. 4229. A bill to amend the Real Estate Settlement Procedures Act of 1974 to ensure that borrowers under federally related mortgage loans have an opportunity to inspect closing documents; to the Committee on Financial Services.

By Mr. BLUMENAUER:

H.R. 4230. A bill to limit access of Members of Congress to Government-administered health care benefits so long as comprehensive health reform legislation has not become law; to the Committee on House Administration, and in addition to the Committees on Oversight and Government Reform, Ways and Means, Energy and Commerce, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAO:

H.R. 4231. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reduce the rate of occurrence of homicides and violent crimes in violent and drug crime zones; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 4232. A bill to extend the temporary duty suspension on certain rayon staple fibers; to the Committee on Ways and Means.

By Ms. HERSETH SANDLIN (for herself, Mr. WALDEN, Mr. BAIRD, Mrs. MCMORRIS RODGERS, and Mr. SCHRADER):

H.R. 4233. A bill to amend the Healthy Forests Restoration Act of 2003 to expand the areas of Federal land on which hazardous fuel reduction projects may be conducted under that Act, to add protection of infrastructure in rural communities as an additional purpose of that Act, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAM JOHNSON of Texas:

H.R. 4234. A bill to provide for the commemoration of the 60th anniversary of the Korean war; to the Committee on Armed Services.

By Mr. KENNEDY:

H.R. 4235. A bill to amend the Public Health Service Act to provide assistance for graduate medical education funding for women's hospitals; to the Committee on Energy and Commerce.

By Mr. LEVIN:

H.R. 4236. A bill to amend the Internal Revenue Code of 1986 to provide a temporary exclusion of 100 percent of the gain on the sale or exchange of certain small business stock; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Ms. ROS-LEHTINEN, and Mr. NADLER of New York):

H.R. 4237. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Ms. MARKEY of Colorado (for herself, Ms. DEGETTE, Mr. POLIS, Mr. SALAZAR, Mr. LAMBORN, Mr. COFFMAN of Colorado, and Mr. PERLMUTTER):

H.R. 4238. A bill to designate the facility of the United States Postal Service located at 930 39th Avenue in Greeley, Colorado, as the "W.D. Farr Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MEEK of Florida (for himself and Mr. BRADY of Texas):

H.R. 4239. A bill to amend the Internal Revenue Code of 1986 to modify the exception from the 10 percent penalty for early withdrawals from governmental plans for Federal and State qualified public safety employees; to the Committee on Ways and Means.

By Mr. MELANCON:

H.R. 4240. A bill to provide for a grace period in which durable medical equipment suppliers may meet Medicare accreditation and surety bond requirements; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD:

H.R. 4241. A bill to amend chapter 17 of title 38, United States Code, to allow for increased flexibility in payments for State veterans homes; to the Committee on Veterans' Affairs.

By Mr. MORAN of Kansas:

H.R. 4242. A bill to amend the Internal Revenue Code of 1986 to provide incentives for used oil re-refining, and for other purposes; to the Committee on Ways and Means.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Mr. BRADY of Texas):

H.R. 4243. A bill to permit the issuance of tax-exempt bonds for air and water pollution control facilities; to the Committee on Ways and Means.

By Mr. SCHOCK (for himself and Mr. NYE):

H.R. 4244. A bill to amend the Internal Revenue Code of 1986 to provide a simplified research tax credit for small businesses; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 4245. A bill to authorize the Secretary of the Army to provide assistance relating to water resource protection and development in Pennsylvania, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WALZ:

H.R. 4246. A bill to amend the Internal Revenue Code of 1986 to extend the alternative fuels credit for liquified petroleum gas through 2010; to the Committee on Ways and Means.

By Mr. BERMAN (for himself, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. PAYNE, Mr. CROWLEY, Mr. FILNER, Mr. HONDA, Ms. RICHARDSON, Mr. OBERSTAR, Mr. ELLISON, Mr. CARNAHAN, Ms. MCCOLLUM, Ms. HIRONO, Ms. CHU, Ms. BORDALLO, Ms. SPEIER, Mr. BILBRAY, Ms. WATSON, Mr. ENGEL, Mr. AL GREEN of Texas, Mr. SABLAN, Mr. SIRES, and Ms. LORETTA SANCHEZ of California):

H. Con. Res. 218. Concurrent resolution expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009; to the Committee on Foreign Affairs. Considered and agreed to.

By Mr. TERRY:

H. Con. Res. 219. Concurrent resolution recognizing and commending the leadership and thousands of volunteers involved with Bugles Across America for their commitment and sacrifice to ensure veterans are laid to rest with the honor and ceremony they earned through selfless service to the people of the United States in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of Georgia (for himself, Ms. RICHARDSON, Mr. LUJÁN, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. CONYERS, and Mr. FILNER):

H. Res. 950. A resolution expressing the sense of the House that any unobligated funds authorized for expenditure by the Troubled Asset Relief Program (TARP) should be used to create jobs for United States citizens; to the Committee on Financial Services.

By Mr. BROWN of South Carolina (for himself, Mr. DAVIS of Illinois, Ms. GINNY BROWN-WAITE of Florida, Mr. CONAWAY, Mr. KINGSTON, Mr. CARTER, Mr. DUNCAN, Mr. BARRETT of South Carolina, Mr. INGLIS, Mr. ROGERS of Kentucky, Mr. BACHUS, Mr. JONES, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. SHIMKUS, Mr. SCALISE, Mr. MORAN of Kansas, Mr. SAM JOHNSON of Texas, and Mr. SOUDER):

H. Res. 951. A resolution expressing the sense of the House of Representatives that the symbols and traditions of Christmas should be protected for use by those who celebrate Christmas; to the Committee on Oversight and Government Reform.

By Mr. MCKEON (for himself and Mr. CANTOR):

H. Res. 952. A resolution expressing the sense of the House of Representatives that a recipient of the Congressional Medal of Honor should be permitted, at all times on the recipient's property, to properly display the Flag of the United States of America; to the Committee on the Judiciary.

By Mr. MCGOVERN (for himself, Mr. WOLF, Mr. DELAHUNT, and Mr. SMITH of New Jersey):

H. Res. 953. A resolution expressing the sense of the House of Representatives that the Government of the People's Republic of China has violated internationally recognized human rights and legal due process standards by carrying out executions after trials marred by procedural abuses and by carrying out arbitrary detentions targeting Uyghurs and other individuals in Xinjiang in the aftermath of a suppressed demonstration and ensuing mob violence on July 5 to 7, 2009; to the Committee on Foreign Affairs.

By Mr. HALL of Texas (for himself, Mr. MCCAUL, Mr. OLSON, Mr. NEUGEBAUER, Mr. ROHRABACHER, Mr. AKIN, Mr. BROUN of Georgia, Mr. SENSENBRENNER, Mr. BILBRAY, Mr. BARTLETT, Mrs. BIGGERT, and Mr. SMITH of Texas):

H. Res. 954. A resolution expressing the sense of the House of Representatives regarding the scientific protocols, data collection methods, and peer review standards for climate change research which are necessary to preclude future infringements of the public trust; to the Committee on Science and Technology.

By Mr. MCHENRY (for himself, Mr. KISSELL, Mr. HUNTER, Mrs. MYRICK, and Mr. SCHAUER):

H. Res. 957. A resolution honoring Jimmie Johnson, 2009 NASCAR Sprint Cup Champion; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Mrs. BONO MACK, and Mr. REICHERT):

H. Res. 958. A resolution congratulating the United States Men's National Soccer Team for securing a berth at the 2010 FIFA World Cup in South Africa; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. PALLONE, Ms. WASSERMAN SCHULTZ, Mr. MAFFEI, Mr. BARTON of Texas, Mr. RANGEL, Mr. VISCLOSKY, Ms. CHU, Mr. DOGGETT, Mr. HIGGINS, and Mr. AL GREEN of Texas.

H.R. 39: Mr. FARR and Mr. ISRAEL.

H.R. 270: Mr. MCCOTTER.
H.R. 333: Ms. MATSUI.
H.R. 391: Mr. LINDER, Mr. HALL of Texas, Mr. MCCAUL, and Mr. OLSON.
H.R. 393: Mrs. CAPITO.
H.R. 537: Mr. COSTELLO.
H.R. 571: Ms. HARMAN, Ms. NORTON, and Mr. AUSTRIA.
H.R. 678: Mr. PAUL, Mr. LANCE, Ms. BALDWIN, and Ms. HIRONO.
H.R. 690: Mr. THOMPSON of Mississippi, Mr. SNYDER, Mr. HARPER, and Ms. KILROY.
H.R. 847: Mr. NYE.
H.R. 881: Mr. SESSIONS, Mr. ADERHOLT, and Mr. AUSTRIA.
H.R. 930: Mr. RUSH.
H.R. 1020: Mr. WALZ.
H.R. 1051: Mr. WELCH.
H.R. 1067: Mr. JACKSON of Illinois.
H.R. 1079: Mr. LANGEVIN.
H.R. 1134: Mr. MCCOTTER.
H.R. 1177: Mr. JOHNSON of Georgia, Mr. AUSTRIA, Mrs. LUMMIS, Mr. MCCLINTOCK, Mr. OLSON, Mr. PAULSEN, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. ROE of Tennessee, Mr. FLEMING, Mr. GALLEGLY, Mrs. SCHMIDT, Mr. SCHOCK, Mr. HARPER, Mr. THOMPSON of Pennsylvania, Mr. HELLER, Mr. YOUNG of Alaska, Mr. HUNTER, Mr. LEE of New York, Mr. LANCE, and Mr. QUIGLEY.
H.R. 1205: Mr. ROGERS of Alabama and Mr. STARK.
H.R. 1237: Ms. RICHARDSON and Mr. ELLSWORTH.
H.R. 1283: Mr. OWENS.
H.R. 1396: Mr. CARTER.
H.R. 1443: Mr. ELLISON.
H.R. 1499: Mr. TURNER.
H.R. 1526: Ms. CORRINE BROWN of Florida and Ms. BERKLEY.
H.R. 1552: Mr. OWENS.
H.R. 1584: Mr. CRENSHAW.
H.R. 1596: Mr. NEAL of Massachusetts.
H.R. 1618: Mr. GARAMENDI.
H.R. 1623: Mr. PASCRELL.
H.R. 1653: Ms. WOOLSEY.
H.R. 1806: Mr. CLAY, Mr. ELLSWORTH, Mr. SHULER, Mr. MOLLOHAN, Mr. DEFAZIO, Mr. DAVIS of Illinois, and Mr. NYE.
H.R. 1815: Mr. PENCE and Mr. COBLE.
H.R. 1869: Mr. COURTNEY.
H.R. 1894: Mr. FORBES.
H.R. 1956: Mr. MURPHY of Connecticut.
H.R. 1977: Mr. CONYERS.
H.R. 1987: Mr. MURPHY of New York.
H.R. 1990: Mr. COLE and Mr. KANJORSKI.
H.R. 2006: Ms. FUDGE, Mr. KLEIN of Florida, and Mrs. DAVIS of California.
H.R. 2119: Mr. SCHOCK and Mr. CRENSHAW.
H.R. 2149: Mr. HALL of Texas.
H.R. 2190: Mr. INSLEE.
H.R. 2194: Mr. SPRATT.
H.R. 2214: Ms. MCCOLLUM.
H.R. 2262: Mr. COHEN and Ms. TITUS.
H.R. 2324: Ms. LINDA T. SÁNCHEZ of California, Ms. SPEIER, Mr. WEXLER, Ms. HARMAN, Mr. MARKEY of Massachusetts, and Ms. SLAUGHTER.
H.R. 2365: Mr. JACKSON of Illinois.
H.R. 2429: Mr. HALL of Texas, Mr. MELANCON, and Mr. JACKSON of Illinois.
H.R. 2452: Mr. BUTTERFIELD.
H.R. 2478: Mr. REICHERT.
H.R. 2480: Mrs. NAPOLITANO and Mr. CROWLEY.
H.R. 2492: Mr. BOUCHER.
H.R. 2548: Mr. HODES.
H.R. 2565: Mr. CARNEY.
H.R. 2641: Mr. BRALEY of Iowa.
H.R. 2672: Mrs. BLACKBURN, Mr. NYE, Mr. SMITH of Nebraska, and Mr. BOOZMAN.
H.R. 2709: Mr. QUIGLEY.
H.R. 2743: Mr. REICHERT and Mr. NEAL of Massachusetts.
H.R. 2859: Ms. ROYBAL-ALLARD.
H.R. 2866: Mr. ROGERS of Michigan and Mr. CASSIDY.
H.R. 2964: Ms. RICHARDSON and Mrs. BLACKBURN.
H.R. 2987: Ms. SCHAKOWSKY.
H.R. 2991: Mr. CLAY, Mr. SCOTT of Virginia, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Ms. WATSON, and Ms. RICHARDSON.
H.R. 3019: Mr. STUPAK and Mr. WALDEN.
H.R. 3042: Mr. HIGGINS.
H.R. 3043: Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. PETERSON, Mr. PASTOR of Arizona, and Mr. BERMAN.
H.R. 3077: Mr. STUPAK.
H.R. 3131: Mr. FORTENBERRY and Mr. DENT.
H.R. 3140: Ms. GRANGER and Mr. SMITH of Nebraska.
H.R. 3147: Mr. CLAY.
H.R. 3149: Ms. FUDGE and Mr. MICHAUD.
H.R. 3227: Mr. PAULSEN.
H.R. 3249: Ms. MATSUI.
H.R. 3310: Mr. FORBES AND MR. LINDER.
H.R. 3315: Mr. DEFAZIO.
H.R. 3402: Mr. BUYER.
H.R. 3431: Mr. TAYLOR.
H.R. 3439: Mr. COSTELLO.
H.R. 3441: Mr. OWENS.
H.R. 3463: Mr. SOUDER.
H.R. 3485: Mr. TIERNEY.
H.R. 3488: Mr. HODES.
H.R. 3615: Mr. OWENS.
H.R. 3654: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3720: Mr. CARNEY.
H.R. 3745: Mr. FARR.
H.R. 3757: Mr. FORBES.
H.R. 3758: Mr. DAVIS of Kentucky, Mr. JACKSON of Illinois, Mr. TIAHRT,
Mrs. MCMORRIS RODGERS, Mr. SMITH of Nebraska, Mr. MINNICK, Mr. WAMP, Mr. HASTINGS of Washington, Mr. WOLF, Mr. HELLER, Mr. HALL of Texas, Mr. TERRY, Mr. GERLACH, Mr. MARIO DIAZ-BALART of Florida, and Mr. HINCHEY.
H.R. 3784: Mr. LEE of New York.
H.R. 3790: Mr. MOORE of Kansas, Mr. FORBES, Mr. TERRY, and Mr. CHILDERS.
H.R. 3812: Mr. POLIS.
H.R. 3838: Ms. BALDWIN.
H.R. 3904: Ms. ZOE LOFGREN of California and Mr. HALL of New York.
H.R. 3930: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, and Mr. DOGGETT.
H.R. 3943: Mr. HASTINGS of Florida, Mr. BOCCIERI, Mr. CARNAHAN, Mr. SMITH of Nebraska, Mr. MASSA, Mr. ETHERIDGE, Mr. MCNERNEY, Mr. MCGOVERN, and Mr. FORBES.
H.R. 3947: Mr. BRALEY of Iowa.
H.R. 3948: Mr. HASTINGS of Florida.
H.R. 3966: Mr. FRANK of Massachusetts.
H.R. 3974: Mr. BOUCHER and Mr. JOHNSON of Georgia.
H.R. 4037: Mr. SABLAN.
H.R. 4067: Mr. HINOJOSA, Mr. PATRICK J. MURPHY OF PENNSYLVANIA, MR. MASSA, Mr. VAN HOLLEN, and Mr. MATHESON.
H.R. 4089: Mr. SMITH of Nebraska, Mr. MORAN of Kansas, and Mr. BOCCIERI.
H.R. 4102: Mr. WU.
H.R. 4108: Ms. MATSUI.
H.R. 4110: Mr. JONES, Mr. POE of Texas, and Mr. SIMPSON.
H.R. 4114: Ms. BALDWIN.
H.R. 4116: Ms. ROYBAL-ALLARD, Mr. PAULSEN, Mr. MURPHY of Connecticut, Mr. PIERLUISI, Ms. EDWARDS of Maryland, Ms. LEE of California, Mr. PLATTS, Mr. HODES, and Mr. ABERCROMBIE.
H.R. 4117: Mr. OWENS.
H.R. 4127: Mr. SOUDER.
H.R. 4128: Mr. CONYERS, Mr. MORAN of Virginia, Mr. MCGOVERN, Mr. BLUMENAUER, Mr. SHULER and Mr. CAO.
H.R. 4130: Mr. CONYERS, Mr. FILNER, and Mr. TANNER.
H.R. 4147: Mr. CROWLEY.
H.R. 4160: Ms. HIRONO.
H.R. 4161: Ms. HIRONO.
H.R. 4163: Mr. DEFAZIO.
H.R. 4165: Mr. SMITH of Washington, Mr. INSLEE, Mr. REICHERT, and Mr. DANIEL E. LUNGREN of California.
H.R. 4167: Ms. ESHOO.
H.R. 4168: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 4177: Mr. ALEXANDER, Mr. BRIGHT, and Mr. ROSS.
H.R. 4183: Mr. OLVER.
H.R. 4196: Mr. COURTNEY, Mr. MILLER of North Carolina, Mr. SABLAN, Mr. HARE, Ms. DELAURO, Ms. BORDALLO, Mr. RYAN of Wisconsin, Mr. GRIJALVA, Mr. LOEBSACK, Ms. NORTON, Ms. MOORE of Wisconsin, and Ms. FUDGE.
H.J. Res. 61: Mr. QUIGLEY.
H. Con. Res. 213: Mr. BERMAN and Mr. HINOJOSA.
H. Res. 35: Mr. JOHNSON of Illinois.
H. Res. 55: Mr. STUPAK, Mr. MURPHY of Connecticut, and Mr. BRALEY of Iowa.
H. Res. 677: Mr. PAULSEN.
H. Res. 732: Mr. MCCAUL, Mr. ROHRABACHER and Mr. SIRES.
H. Res. 860: Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. HIGGINS, and Ms. DEGETTE.
H. Res. 864: Mr. SNYDER, Mr. COOPER, Mr. MELANCON, Ms. HERSETH SANDLIN, Ms. SUTTON, Ms. MARKEY of Colorado, Mr. SHULER, Mr. MOORE of Kansas, Mr. BOYD, Ms. KOSMAS, and Mr. TANNER.
H. Res. 898: Mr. SESTAK.
H. Res. 905: Mr. CHANDLER, Mr. ETHERIDGE, and Ms. BORDALLO.
H. Res. 907: Mr. DOYLE.
H. Res. 911: Mr. SCALISE, Mr. BACHUS, Mr. LATTA, Mr. ISSA, Mr. POSEY, and Mr. DREIER.
H. Res. 925: Ms. RICHARDSON.
H. Res. 940: Ms. GIFFORDS and Ms. BALDWIN.
H. Res. 945: Mr. HERGER and Mr. SOUDER.
H. Res. 946: Mr. KISSELL, Mr. HARE, Mr. WEINER, Mr. MASSA, Mr. SCOTT of Virginia, Mr. MICHAUD, and Mr. CLEAVER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FRANK of Massachusetts, or a designee, to H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

NOTICE

Incomplete record of House proceedings.
Conference Report will appear in Book II.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, DECEMBER 8, 2009 No. 183

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

God of wonder, beyond all majesty, may our lives and our world be awakened by Your grace. Open our eyes to Your works and our ears to Your words of life.

Stir within our lawmakers a desire to please You. Enable them to hear with objectivity and respond with integrity, as they comprehend their individual and collective responsibilities. Lord, make them exemplary models of the highest and finest in faithful, loyal, and dedicated leadership. Give them wisdom, strength, and clarity to meet today's daunting challenges.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS 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 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

NOTICE

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

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

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

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

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

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

Printed on recycled paper.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the health reform legislation. Following leader remarks, the time until 12:30 will be for debate only. The majority will control the first half of the time allotted until 12:30. The Republicans will control the next half. The remaining time will be equally divided and controlled between the two leaders or their designees. The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons. There are two amendments now pending. One is the Nelson of Nebraska amendment and the other is the McCain motion to commit. Senators should expect votes after the recess in relation to the pending amendment and motion.

NEW DEMOCRATIC SENATORS

Mr. REID. Mr. President, we have scheduled this morning, as soon as the leader time is used, a group of Democratic Senators. These are all new Senators. I hope those people who are watching understand the quality of the people who are now going to make a presentation before this body. The States that will be represented here today will be Oregon, Delaware, New Hampshire, Colorado—we have two Colorado Senators who will speak—the new Senator from Massachusetts, New Mexico, Virginia, Illinois, Alaska, and the opening will be by Senator MERKLEY and the closing will be by Senator MERKLEY. Such quality individuals we are so fortunate to have in the Senate. I am grateful for the time they have taken to speak on this issue. Much of what they have done has set the tone for this debate on our side of the aisle. It has been constructive, it has been positive, and it has been very lucid. They were all successful individuals before they came to the Senate. Certainly, that is acknowledged every time we hear one of them say a word here on the Senate floor.

Would the Chair announce the matter before the Senate.

RESERVATION OF LEADER TIME

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

SERVICEMEMBERS HOME OWNERSHIP TAX ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

Reid amendment No. 2786, in the nature of a substitute.

Nelson (NE) amendment No. 2962 (to amendment No. 2786), to prohibit the use of Federal funds for abortions.

McCain motion to commit the bill to the Committee on Finance, with instructions.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. will be for debate only, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first hour and the Republicans controlling the next hour.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, over the past several days, Americans have seen in vivid detail what some supporters of this plan plan to do for the Medicare Program for seniors. They plan to use it as a giant piggy bank to pay for an entirely new government program. Yesterday, we heard floated, for the very first time, that they want to radically expand Medicare. So what is becoming abundantly clear is that the majority will make any deal, agree to any terms, sign any dotted line that brings them closer to final passage of this terrible bill. They entertain adding new experiments without any assessment of the impact this backroom deal-making will have on the American people or our economy. They are, for lack of a better term, winging it on one of the most consequential pieces of legislation affecting our country in memory.

Let me suggest to the majority, Americans would much rather we get it right than scurry around, throwing together untested, last-minute experiments in order to get 60 votes before Christmas. Let me say that again. Americans would much rather we get it right than scurry around, throwing together untested, last-minute experiments in order to get 60 votes before Christmas.

Over the past several days, our friends on the other side repeatedly voted to preserve nearly $½ trillion in Medicare cuts to finance their vision of reform, a vision that includes cutting nearly $8 billion from hospice care, $40 billion in cuts to home health agencies, $120 billion in cuts to Medicare Advantage, $135 billion in cuts to hospitals that serve Medicare patients, and nearly $15 billion in cuts to nursing homes. What these cuts really illustrate is a lack of vision because cutting one troubled government program in order to create another is a mistake. I will say that again: $½ trillion in cuts to Medicare for seniors is not reform.

But Medicare cuts are just one leg of the stool holding up this misguided vision of reform. Let's take a look at another. Let's look at how this bill punishes not only seniors but how it kills jobs at a time when 1 in 10 working Americans is looking for one. This bill doesn't just punish seniors, it punishes job creators too.

That is the message we got yesterday from small businesses across the country. They sent us a letter opposing this bill because it doesn't do the things proponents of this bill promised it would. It doesn't lower costs, it doesn't help create jobs, and it doesn't help the economy. Here are just some of the groups that signed that letter: the Associated Builders and Contractors, the Associated General Contractors, the International Food Service Distributors Association, the National Association of Manufacturers, the National Association of Wholesale Distributors, the National Retail Federation, Small Business and Entrepreneurship Council, and the U.S. Chamber of Commerce.

Here is what these groups had to say about this bill. I am reading from their letter dated December 7, 2009, a letter that was addressed to every Member of the Senate:

> In order to finance part of its $2.5 trillion price tag, HR 3590 imposes new taxes, fees and penalties totaling nearly half a trillion dollars. This financial burden falls disproportionately on the backs of small business. Small firms are in desperate need of this precious capital for job creation, investment, business expansion, and survival.

The letter goes on to detail all the ways in which this bill punishes small businesses, thus making it harder for them to retain or hire workers. These groups point out that under this bill, small businesses in the United States would see major cost increases as a result of new taxes on health benefits and health insurance, costs that would be passed on to employees and which would make health insurance more expensive, not less.

Under this bill, self-employed business owners who buy coverage for themselves could see a double-digit jump in their insurance premiums. For other small businesses, the bill won't lead to a significant decrease in cost—something they were promised as a result of the bill.

Under this bill, jobs would be lost and wages depressed as a result of a new law that would require businesses either to buy insurance for their employees or to pay a fine.

Needless to say, this is not the kind of legislation the American worker needs or wants at a moment of double-digit unemployment. Perhaps that is the reason that poll after poll after public opinion poll shows that the American worker opposes this bill.

Some business groups may have supported this plan earlier in the year because they thought it was inevitable.

They didn't want to be critical of a bill they thought they had no power to stop. But something happened between then and now: The American people realized what this bill meant for them. They realized what it would mean for seniors, for business owners, for the economy, for our future as a country. Americans stood up, they made their voices heard, and now the tide has turned. The American people oppose this bill. They want us to start over. They want us to make commonsense, step-by-step reforms that everyone can support, not some backroom deal to have the government take over the health care system that is then forced on the American people without discussion.

Our friends on the other side can read the writing on the wall. They know the American people oppose this bill. But they have apparently made a calculation to force it through Congress over the next several days before the American people even have a chance to absorb the details. The only thing that can stop them is the realization by Democrats themselves that this plan would be a tragic mistake for seniors, for the economy, and for our country and that a better path would be the kind of step-by-step reforms Americans have been asking of us, reforms Americans really want. Americans don't think reform should come at the expense of seniors, and they don't think it should come at the expense of jobs. They don't think it should make current problems worse.

TARP

Mr. President, we are now hearing talk that the administration is thinking of using the bank bailout TARP money that taxpayers reluctantly handed over during last year's credit crisis on another spending spree like the stimulus which they said would stop unemployment at 8 percent but hasn't. One trillion dollars later, unemployment is now at 10 percent. This is not only irresponsible, since the purpose of these emergency funds was to prop up the credit system in the midst of a crisis, it also violates both current law and the pledge we made that every dollar we got back would be returned to the taxpayer to reduce the national debt. That is the pledge we made when we passed the TARP proposal.

This proposal from the administration is completely wrongheaded, but it is perfectly illustrative of the way Democrats in Congress have been dealing with taxpayer money all year—by throwing it at one problem after another without much regard for the consequences. Whether it is the stimulus, Cash for Clunkers, or the health care bill that is currently on the Senate floor, Americans are running out of patience with politicians who promise jobs but who deliver nothing but more debt, higher taxes, and longer unemployment lines.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, for the benefit of all Senators, I would like to take a moment to lay out today's program. It has been more than 2½ weeks since the majority leader moved to proceed to the health care reform bill, and this is the ninth day of debate. The Senate has considered 18 amendments or motions. We have conducted 14 rollcall votes.

Today, the Senate will debate the amendment by the Senator from Nebraska, Mr. NELSON, on a woman's right to choose. At the same time, we will debate the motion by Senator MCCAIN on Medicare Advantage.

The time between now and the caucus lunches is for debate only. The majority will control the first hour of debate this morning; the Republicans will control the second hour.

We are hopeful the Senate will be able to conduct votes on or in relation to the Nelson amendment, a side-by-side amendment to the McCain motion, and the McCain motion sometime this afternoon.

Thereafter, we expect to turn to another Democratic first-degree amendment, which is likely to be the amendment by the Senator from North Dakota, Mr. DORGAN, on drug reimportation, and another Republican first-degree amendment. We are working on lining up those amendments.

I note that the pending McCain motion is the third such effort by the Republicans to defend the private insurance companies that run the program called Medicare Advantage. That is the same so-called Medicare Advantage Program that the nonpartisan MedPAC says is overpaid—overpaid by 14 percent—compared with traditional Medicare, which does the same thing.

That is the same so-called Medicare Advantage Program whose overpayments add $90 to the Medicare premiums of a typical retired couple, even though that couple gets nothing in exchange.

That is the same so-called Medicare Advantage Program that has been the major source of strong profits for the private insurance companies that receive those overpayments. And that is the same so-called Medicare Advantage Program that helps those private insurance companies to pay their CEOs $8 million a year, $9 million a year, and in one instance more than $20 million a year in compensation.

So that is the same so-called Medicare Advantage Program that, in our view, needs a healthy dose of competition. That is all our bill would do. Our bill would move to competitive bidding in the private insurance Medicare market. It is high time we did so.

This morning we are going to have a colloquy among many new Senators, the group of Senators who were just elected last year, which is a very active group. I have met with them many times. They are very thoughtful, very active, and they have a lot to say.

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

Mr. DODD. Mr. President, I will be very brief because we want to take the time to hear from our colleagues. I, too, want to commend them. A number of them serve on the Health, Education, Labor, and Pensions Committee and were tremendously valuable in helping us craft the legislation we now have before us in this compromised, melded bill.

I also want to make a note. I listened to the Republican leader this morning—and I will talk more about this later—but you would almost begin to believe that 300 days ago Barack Obama arrived as President of the United States, and all these problems emerged miraculously. The fact is, in the previous 8 years we watched the Nation accumulate more debt in one administration than all prior 43 administrations combined.

The situation we find ourselves in economically did not happen overnight. It happened over a number of years of carelessness, with a lack of regulation and a lack of the enforcement of the regulation that existed. We have been grappling with these problems. In December of last year, more than 700,000 people lost their jobs—in that 1 month alone. In January, almost 700,000 again, and the same was true in March. Almost 3 million jobs were lost before the ink on the inauguration papers was dry.

We are now finding ourselves—while still too high an unemployment rate—with a vastly improved economic condition in this country. Much more needs to be done. Yet we hear the same sort of ''Chicken Little'' arguments. Just say no, every time, to an idea that might make a difference to this country getting back on its feet again.

Certainly the decisions made a year ago to provide the stabilization of major financial institutions contributed directly to the benefits we are seeing today. Certainly the efforts of taking some of these resources that have gone to bail out major financial institutions now being used to try to create jobs in the country is something I think would be welcomed by the American people—not rejected by Members of Congress who seem only to be interested in whether we are going to take care of those large firms that got us into this mess in the first place.

So I welcome the President's ideas in this area. We welcome particularly this effort on health care, to make a difference not only for individuals but for our economy, to reduce those costs, reduce those premiums, and make those insurance products available to all Americans who worry every night about whether they are going to fall into that abyss because of a health care crisis that happens to a family member or a loved one.

So today we are going to hear from a number of our colleagues who have been deeply engaged in these issues over the last several years and in their new membership in this wonderful body of the Senate. I welcome tremendously their efforts.

Mr. President, I yield the floor to allow them to discuss their ideas. I believe the first one to speak is our new colleague from Delaware.

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

Mr. KAUFMAN. Mr. President, I want to start by agreeing—and I practically always agree with the Senator from Connecticut—with his summation as to how we got to where we are, and why it is important we do something about it. He is right. The chairman of the Finance Committee is right too.

The freshman Senators who come from all over this country got together and, frankly, with the leadership of Senator WARNER from Virginia, put together a package which I think is a very constructive package for the Health Care Reform Act we have to pass.

I appreciate the opportunity to join with the other freshmen, including the Acting President pro tempore, to discuss the unique opportunity we have to finally enact meaningful health care reform.

Make no mistake, we need health care reform now. When you look out there and you see everything from rising premiums to insurers denying coverage for people with preexisting conditions, the health care system is failing individual Americans. There is no doubt about that.

Not only is it doing that, it is threatening the fiscal solvency of our country. Medicare and Medicaid are swallowing up more and more of our Federal spending. If we do not act soon, it will become the largest contributor to the deficit.

The time for reform is now. We cannot wait any longer. As the Senator from Connecticut said, this is not something that just came out of nowhere. It has been there for a long time. But we cannot let any more time go by. We have to act now.

Thanks to the hard work of Senators REID, BAUCUS, DODD, and HARKIN and their staffs, we have a bill before us that can finally reform our health care system. It is a good bill. It is a bill that truly protects what works in our system and, at the same time, fixes what is broken.

No longer will Americans be denied coverage on the basis of preexisting conditions. No longer will their coverage be revoked when they get sick and need it the most. This bill will help protect seniors by offering new preventive and wellness benefits.

It will extend the solvency of the Medicare trust fund by an additional 5 years. It will also help our economy by significantly cutting health care costs and reducing the Nation's deficit by $130 billion.

You hear a lot of numbers. You see a lot of numbers. You read about it in the newspaper. Especially, you hear about it on the other side of the aisle. This will cut the deficit by $130 billion for the first 10 years and maybe up to $650 billion in the second 10 years. This will truly bend the cost curve, which we have to do if we are not going to go into insolvency.

It is interesting, when the other side talks about deficits, deficits, deficits—the thing that is driving the deficit is health care costs because what drives Medicare and Medicaid costs is health care costs.

This bill makes quality, affordable health care within reach of all Americans. But there is always more we can do. That is why I am pleased to join my other freshman colleagues to support a very promising amendment to the bill.

So much of what is broken in our present health care system revolves around basic inefficiencies that drive up costs, while simultaneously driving down quality. That is right. Costs go up, quality goes down. That is not the way we want to have it. We want costs to go down and quality to go up.

Even worse, inefficiencies in the system often give way to the waste, fraud, and abuse that drains somewhere between $72 and $220 billion annually from doctors, patients, private insurers, and the State and Federal Governments. This is significantly increasing health care costs for Americans. These are inefficiencies that can and will be curbed.

By seeking creative ways to encourage innovation and lower costs even further—and more quickly—for Americans across the country, this amendment complements the underlying health care bill.

It adopts the full spectrum of 21st-century technologies and innovative methods of delivery to further cut through the redtape that continues to plague our system and stifle innovation. It provides commonsense, practical solutions that help contain costs, improve value, and increase quality. It increases penalties for health care fraud and enhances enforcement against medical crooks and utilizes the most sophisticated technology to better detect and deter fraud in the health care system.

It quickens the implementation of uniform administrative standards, allowing for more efficient exchange of information among patients, doctors, and insurers. It provides more flexibility in establishing accountable care organizations that realign financial incentives and help ensure Americans receive high-quality care. It provides greater incentives to insurers in the exchange to reduce health care disparities along racial lines.

These are just a few examples of the provisions in the amendment that I believe will mesh well with the Patient Protection and Affordable Care Act. As I have said before, it is time to gather our collective will and do the right thing during this historic opportunity by passing health care reform now. I think this amendment can help us reach that goal. We cannot afford to wait any longer. We need to act now. We can do no less. The American people deserve no less.

Thank you, Mr. President.

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

Mr. WARNER. Thank you, Mr. President.

I thank my colleague, the Senator from Delaware, for his comments and for his leadership on this issue. I also thank all of the freshmen. This is, I think, the seventh time the freshmen have come to the floor on this very important issue. Our colleagues have had to now endure 65 speeches from the freshmen on the subject of health care.

Before I get into my remarks, I want to personally thank Senator BAUCUS, Senator DODD, the majority leader, and their staffs, for working with the 11 freshmen Members who have come together today to unveil a package of health care amendments focused on the issue of cost containment.

We have been working on this now for close to 3 months.

Let me say at the outset, I am proud of the enormous broad-based support we are receiving for this package of amendments. The Business Roundtable has endorsed the amendments. Companies such as Walmart, Intel, Target and Quad/Graphics endorse this package. Groups such as the AARP and the AFL, and important think tanks such as the New America Foundation have endorsed this package. We also have support from Mark McClellan, who was the head of CMS under President Bush. While the merged bill starts to move us in the right direction in addressing health care spending in this country, this package strengthens that movement. Our package further moves us away from a current system that makes no financial sense—one that rewards volume over quality and one that reimburses hospitals for higher, rather than lower, readmission rates.

We are taking the payment reform aspects of the health care bill—sections that increase accountability, and focus on data mining and administrative simplification—and accelerating them. We are giving the Secretary, as we move forward, the ability to take pilot programs and broaden their approach and appeal. And if it works, we'll bring that reform to our whole system.

While we anticipate a very good score from CBO in terms of lowering health care costs overall, another thing we focused on with this package is not just health care reform in the context of government-related programs, such as Medicare and Medicaid, but also how we partner with those in the private sector.

One of the reasons the Business Roundtable is so supportive is the fact that our package recognizes that well over half of the American public still receives their health care through private insurance or in conjunction with their employers. With these amendments, we look at how we take the best of the private sector, and the lessons we've learned from them, and bring those into health care reform.

My friend, the Senator from Delaware, has raised this point. There are still issues to be resolved in this bill.

I still have some concerns, particularly with the public option portion. But I know that with a good-faith effort, we are going to get those issues resolved.

One thing that needs to be reaffirmed, time and time again, is what happens if we don't enact health care reform. Not acting is a policy choice; it is every bit as much of a policy choice as moving forward on this bill. What many don't realize is that the largest driver of our Federal deficit is not education funding, transportation funding, and not even TARP funds or the stimulus. The largest driver of our Federal deficit is health care spending.

If we fail to act now, Medicare, which provides health care to millions of senior citizens, will go bankrupt in the next 8 years. If we fail to act now, an average Virginia family will see their health care costs eat up 40 percent of their disposable income in the next decade.

One of the reasons we are seeing so much broad-based business support for our amendment package is business understands that if we can't drive down overall health care costs, the ability of the United States to come out of this recession and remain competitive in a global marketplace will be seriously undermined. As long as American business has to pay twice as much per person—as much as $3,000 to $4,000 more per employee—for their health care costs than any of our industrial competitors around the world, regardless of how productive the American workforce is, American businesses will be at a serious disadvantage.

Our amendment package is complex. It is a bit dense. There are some 30-odd different provisions that take very good parts of the merged bill and move them faster. It increases price transparency in health care pricing, and increases our ability to take programs and pilots that work and roll them out on a wider basis. My good friend, the Senator from Colorado, has been working hard on the administrative reform portion.

This is a good package of amendments. I was asked yesterday by somebody in the press how I would describe the package. I guess I would sum it up—because some of this stuff gets fairly dense—with two things that this package of amendments is trying to do.

I think we all remember, years back, in the travel industry, when you called up and tried to get an airline reservation and depending on whom you called and what time you called, you might get a totally different price on your airline ticket. Well, this package of amendments is trying to do for health care what Travelocity did for the airline business. And that is bring some true pricing transparency to the health care system.

Our package of amendments will move us—it will not get us all the way there—but it will move us further down the field. I say this modestly, again, to the originators of the bill—it is a very good bill, a very good framework. But humbly I might say, as some know, I was lucky enough in the old days to fall into the cell phone industry. I managed to eke out a small living in that industry. I like to think about the cell phone industry as a metaphor for this package of amendments. If we think of the original bill as creating the cell phone of the 20th century, our package of amendments is basically the iPhone version to your Motorola flip phone original version. We literally provide dozens of new applications on a good, basic framework that has been provided by this merged bill. And we take these applications a little bit further into the 21st century.

I am very proud of the work all these freshmen Senators and their staffs have done over the last 3 or 4 months. Again, I thank the chairman of the Finance Committee, the chairman of the HELP Committee, the majority leader and their staffs for helping us work through this package, and I look forward to its adoption.

With that, I yield the floor, and I believe the junior Senator from Colorado will speak next.

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

Mr. BENNET. Mr. President, I wish to thank our colleague from Virginia, Senator WARNER, for his extraordinary leadership throughout this process of the freshmen coming together to see what we can do to move this legislation forward to improve it. I think a lot has been said about how the bill that was drafted by the HELP Committee, by the Finance Committee, and now by the majority leader is directionally correct in its efforts to get a handle on these skyrocketing costs. I think this amendment package will move us much further in the right direction of trying to hold down costs for our working families and small businesses across the country.

Throughout this entire debate and going back to the very beginning, what I have said is, no matter where you are on many of the issues, there can't be any disagreement that the current system, with respect to costs, is completely insane. Our families in Colorado faced double-digit cost increases every year over the last decade. Their median family income has actually gone down by $300, and the cost of health care has gone up by 97 percent over that period of time. Our small businesses are paying 18 percent more for health insurance than large businesses just because they are small. As the Senator from Virginia was mentioning, we are spending, as a country, more than twice what almost any other industrialized country in the world is spending as a percentage of our gross domestic product on health care. We are spending roughly 18 percent, going to 20 percent in the blink of an eye. We can't hope to compete in this global economy if we are devoting a fifth of our economy to health care and everyone else in the world is devoting less than half that. Finally, as the Senator from Virginia also said, if you have any concern about these deficits we are facing in Washington becoming completely untenable, what you need to know is, the biggest driver of those is rising Medicare and Medicaid costs and the biggest driver of those is, of course, health care costs.

So my view has been, from the start, no matter what your entry point was into this debate, cost was the central question for our working families and for our small businesses. We have stressed the need over and over for health care reform to contain the rising costs that are plaguing our current system. That is why I think the Senate needs to adopt the freshman amendment package, which would cut costs, save taxpayers money, and in this bill it can make our health care system function more efficiently.

This package of amendments will help strengthen the reform proposal's ability to deliver affordable, quality health care to all Americans, whether they are in private plans or whether they are in public plans. These provisions will remove much of the redtape that, for so long, has slowed the delivery of care. Doctors from all over Colorado have told me, time and time again, their medical practices are mired in paperwork and their staffs spend far too much time and money jumping through administrative hoop after hoop. The time our doctors and nurses spend on unnecessary paperwork is time they can't spend becoming better professionals and, most importantly, providing quality care to their patients. This amendment will require the Secretary of Health and Human Services to adopt and regularly update a single national standard for some of the most basic electronic transactions that occur between insurers and providers, and meeting these standards will be enforceable by penalties if insurance providers don't take steps to comply. My provision will make sure that as we implement health care reform, we are consistently identifying and implementing new standards.

There are also terrible inefficiencies in the way we pay health care providers and allow them to deliver care to patients. This package helps eliminate bottlenecks so patients are cared for in a reasonable amount of time.

This package of amendments also expands the Senate bills reforms being made to Medicare and Medicaid. There is a provision that will allow accountable care organizations to work with private insurance companies to better craft strategies for Medicare and Medicaid and private sector plans to improve care. In the current system, doctors are forced into requesting a multitude of tests to confirm a diagnosis they have already made. This creates

unnecessary work for doctors, their administrative staffs, lab technicians, and so on. It is time we create a system that empowers doctors to practice medicine and do their jobs efficiently.

Under the current broken system, doctors have to endure needless hurdles to even set up a practice. It is no wonder the number of primary care doctors has been steadily declining for some time now.

This package of amendments would create an environment that attracts doctors back to the field rather than make it more difficult for them to provide care. Along with the savings this bill already creates, these amendments will help doctors remove the redtape that has limited their ability to help patients in a timely manner.

We cannot go on allowing the middle class to absorb the rising costs of our Nation's health care system. We need health care reform that will control costs and put us back on a path toward fiscal responsibility. This package of amendments will help us do that.

I wish to, again, say thank you to my colleagues from the freshman class for their work. This sometimes has seemed tedious and sometimes hard to describe, but these amendments are very critical if we are going to get hold of costs as we go forward. That is the relief working families in this country need more than anything. In order to have stability in their lives, we have to get hold of our rising health care costs.

With that, I yield the floor.

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

Mr. KIRK. Thank you, Mr. President.

With great joy and enthusiasm, I can say that today we are closer than ever to guaranteeing that all Americans, at long last, will have full access to quality, affordable health care. The Patient Protection and Affordable Care Act, which our colleague and fellow freshman Senator JEFF MERKLEY of Oregon suggests, as Senator Kennedy of Massachusetts would have subscribed to, that this is the health care bill of rights. It will help fix a health care system that is failing to meet the needs of the American people. I am extremely proud to join with Majority Leader REID, with Senator BAUCUS, with my good friend, Senator DODD of Connecticut, and with my fellow freshman Senators. I wish to single out, if I may, the Senator from Virginia, MARK WARNER, one of the more enlightened business leaders of our time, who brought his wisdom and innovation and skills and practices of the private sector to help improve the important challenge we have in the public sector. I thank the Senator for his leadership on this effort, in contributing to legislation that will mark a historic stride forward for the American people.

I wish to say a word as well, a particular word, about the chairman of the Finance Committee who has enormous responsibilities in the Senate chairing the effort to reform our financial regulations and our financial systems so the American people will understand we are one country, with one important financial system and not somehow second tier, unrelated and unconnected to the decisions made on Wall Street and elsewhere. When Senator Kennedy of Massachusetts was stricken, Senator DODD of Connecticut stepped forward, not only because Senator Kennedy was his very close friend but because the Senator from Connecticut understood the enormity of the challenge and important effort that is being made in the Senate. I wish to salute him for sharing his wisdom and his strength and his leadership, not only in the areas of financial reform but in this important area as well.

As I said, this is nothing less than a bill of rights for the American people on the issues of health care. With this legislation, all Americans, finally, will be guaranteed access to the affordable health care coverage they deserve. Families who need a helping hand to care for an aging relative will be protected. Insurance companies will be prohibited from arbitrarily refusing coverage and from stopping benefits when they are needed the most. Doctors will be given the support they need to practice the best medicine possible. That is why they took their oath. With the help of the measures in this total legislation and some of the particular reforms suggested by our freshman colleagues, that best medicine will be practiced. The American economy will be protected from the skyrocketing costs of health care, with which every American family is now inflicted.

Over the past month, I have had the privilege of working with my fellow freshman colleagues on a series of amendments that we are discussing this morning to make this health care bill of rights even stronger. These amendments plant the seed for an innovative 21st-century health care system that offers what American families want most: better results for lower costs. It is as simple as that. These amendments focus on the root causes of our skyrocketing health care costs to provide Medicare the support it needs to become a leader in moving away from the reimbursement models that increase costs without improving care.

Public-private arrangements will be established to smooth reform and prevent private insurance from shifting costs onto public plans. The redtape, with which we are all familiar, which weighs down the current health care system in both the public and private sectors will be reduced. All of this will contribute to lower costs and higher quality in our health care system.

One focus that is particularly of interest and important to me is the delivery system reform. We must move toward a system of paying hospitals and doctors for the quality of care they provide rather than the quantity of tests and procedures they perform. Our amendment rewards providers of Medicare who give high-quality care rather than high-volume procedures. We will also allow Medicare to test promising new models to reduce costs, increase quality, and improve patient health. We must make these changes for the sake of our patients and for the sake of our economy.

In short, our amendments strengthen the reforms of the Patient Protection and Affordable Care Act. I urge all my colleagues to support these amendments and take these important steps with us to bring America's health care system into the 21st century.

I thank the leadership once again, and I thank the Senator from Virginia and my other freshman colleagues for their good work on this historic health care bill of rights.

I yield the floor.

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

Mr. UDALL of Colorado. Mr. President, my freshman colleagues and I have come to the floor on a regular basis over the last few months to make clear to both sides of the aisle just how critical it is that we succeed in reforming our health care insurance system.

Right now, too many Americans lack the freedom to move to a new job, further their education, or start a small business because doing so can put them at risk of losing health care coverage for their family. If you think about it, freedom is, after all, about choices. What motivates me—and I know it motivates my freshman colleagues—is the desire to preserve and enhance the freedom of all Americans.

This legislation we have been debating and amending over the past 2 weeks can and should be a vehicle that we use to enhance freedom for all of our American citizens. We are going to repair and modernize a broken health care system. If we fail to do so, we perpetuate an antiquated status quo that stalls economic growth, stifle the entrepreneurs who make up the American business landscape, and keep stability and security out of reach for millions of American families.

The package of amendments we present today is designed to inject more cost containment into the bill, cut down on regulatory and bureaucratic redtape, and push us more aggressively toward a reformed health care system that rewards better patient care rather than simply more care.

In developing these ideas, my fellow freshmen and I have relied upon the input of people back home. And through my discussions with constituents, health care providers, and businesses from all over Colorado, a common theme has emerged: They want a health care system that tackles costs, while keeping the focus on patients and quality. I believe we have accomplished that with our freshman proposal because more than 30 groups have come out in the past few days in support of

our efforts. This is a wide-ranging number of groups, including consumer champions such as AARP, business leaders such as the Business Roundtable, and health providers such as Denver Health in my home State.

My freshman colleagues have spoken about individual pieces of this effort that combine to make the whole. I will single out a section that I think will have a particularly strong influence on the future of our health care system.

Senator ROCKEFELLER has authored an important provision that creates the independent Medicare advisory board. This board would be tasked with keeping down the costs in the Medicare system by issuing proposals to cut spending and increase the quality of care for beneficiaries.

I applaud this contribution to the bill, but I have wondered why we cannot take it a step further by looking at the whole health care system and not just Medicare in isolation. If we are going to tackle spiraling health costs across the country, we need to push each area of our health care system to be smarter and more efficient in dealing with cost growth.

One of my contributions to the package is a provision to expand the scope of the Medicare advisory board to examine not just Medicare but the entire health care system and task the board with finding ways to slow down the growth of health costs across the country. This would include providing recommendations on the steps the private sector should take to make our delivery system more efficient. Health care leaders and economists agree that such an approach can help push our system toward a more streamlined and coordinated way of delivering health care to all Americans.

In sum, I thank the Senator from Virginia for his leadership, the Senator from Oregon, Mr. MERKLEY, and Senator SHAHEEN from New Hampshire. It has been a delight to work with 11 of my fellow Senators. This is a bold contribution to the package that I know we will pass out of the Senate. We come from varying parts of the country and have varied political outlooks and backgrounds. This will attract broad support in our Chamber. It is a winning addition to health care reform, and I encourage all Senators to support our efforts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am so pleased this morning to join my freshman colleagues in introducing our innovation and value package.

For the last several months, the freshmen in the Senate have been coming to the floor to help make the case for health care reform, to tell our colleagues and the public about what we have heard from our constituents, and to come together as one voice in support of reform.

Today, we back up that rhetoric with action. Today, we propose something concrete. We have talked about the importance of reforming the way we deliver care, about how we need to slow down the skyrocketing costs of health care, while improving quality, and about the need to provide incentives to make the changes happen. Today, we deliver on that talk. Our proposals are about containing costs, about looking into the future, thinking about our delivery system, and finding ways to make small but very important changes that will make a difference.

Throughout this debate, I have been talking about the importance of increasing the quality of care while reducing the cost. This amendment package does just that.

This amendment package matters. It matters to all the health care consumers who are interested in reducing costs and increasing the value in our health care system. It especially matters to business. The high cost of health care and insurance coverage eats away at the bottom line for businesses. If we can reduce waste and inefficiency, attack fraud, and simplify our system, we can reduce costs. The innovations in this package attract business because business understands that we need to take steps in our public and private health care systems to lower costs and deliver value.

I am proud that, with this amendment, we are able to promote the good work of Elliot Fisher and his colleagues at the Dartmouth Institute for Health Policy and Clinical Practice and to recognize the work they have done on accountable care organizations.

Accountable care organizations are about coordinating care among providers—hospitals, primary care physicians, specialists, and other medical professionals. These accountable care organizations make decisions with patients. I think that is the operative phrase. They make decisions ''with'' patients about what steps they can take together to improve care. When these efforts result in cost and quality improvements, providers and consumers can share in the savings. This is the essence of true reform. We must demand performance, quality, and value from our health care system. This package makes great strides.

I will close by thanking all of my fellow freshmen. I am so proud to be part of this freshman class and all of the great work they have done.

I especially wish to recognize Senator WARNER, who has really been the driving force behind this health care package. I am not sure I agree with his cell phone analysis, but I certainly agree with the leadership he has shown on this package.

Also, I recognize our senior colleagues, Senators DODD, BAUCUS, REID, and HARKIN, for the leadership they have shown in getting us to this point.

Finally, I recognize all of the staff of all of us freshman Senators, many of whom are here today, who have worked so hard to get us to this point. I single out my assistants, Alison MacDonald and Dr. Manny Jimenez, for the work they have done on this package. It is a great effort, and I am pleased to be here with my fellow freshmen.

I urge all of our colleagues to join us in support of this effort.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mrs. HAGAN. Mr. President, I rise in support of the freshman value and innovation package, which builds on efforts to provide quality, affordable health care at a lower cost to families. I, too, applaud our colleague, Senator MARK WARNER, for helping to initiate this package.

I wish to take a moment to talk about two provisions in the package that I included: curbing fraud and abuse with 21st-century technology and medication therapy management.

Today, Medicare spends about $430 billion annually; Medicaid, approximately $340 billion; the States Children's Health Insurance Program, an additional $5 billion, for a total of $775 billion.

In Medicare alone, annual waste amounts to between $23 billion and $78 billion. Yet, despite these sky-high numbers, investigations are pursued only after payment has been made, which means government fraud investigators have to recover funds that have already been paid. As a result, it is estimated that only about 10 percent of possible fraud is ever detected, and of that amount only about 3 percent is ever actually recovered. This means the government recovers, at best, about $130 million in Medicare waste, fraud, and abuse. Again, when estimates are between $23 billion and $78 billion, we are only recovering $130 million.

''Doctor shopping'' is an example that was profiled in a recent USA TODAY news article and GAO report. This involves a patient receiving multiple prescriptions from numerous doctors in a short period of time, without getting caught. Each of the claims gets paid by Medicare, Medicaid, or even private health insurers.

The current technology exists to assess in real time if a claim warrants further investigation, and this technology will prevent fraudulent claims from being paid on the front end. A software company in Cary, NC, SAS, has developed this technology.

This amendment will require the Department of Health and Human Services to put into place systems that will detect patterns of fraud and abuse before any money leaves our Federal coffers.

Another source of waste in the system is people not sticking to their medication regimen. As much as one-half of all patients in our country do not follow their doctors' orders regarding their medications. The New England Health Care Institute estimates that the overall cost of people not following directions is as much as $290 billion per year.

This waste can be eliminated with medication therapy management. That is a program where seniors bring all of their prescriptions, in a little brown bag, and their over-the-counter medications and their vitamins and supplements to the pharmacy to be thoroughly reviewed in a one-on-one session. The pharmacist follows up and educates the patient about his or her medication regimen.

North Carolina has some successful medication therapy management programs already in place.

In 2007, the North Carolina Health and Wellness Trust Fund Commission launched an innovative statewide program called Checkmeds NC to provide medication therapy management services to our seniors. During the program's first year, more than 15,000 seniors and 285 pharmacists participated. Just this small program saved an estimated $10 million, and countless health problems were avoided for our seniors.

This amendment takes this successful North Carolina model and implements it nationally, permitting pharmacies and other health care providers to spend considerable time and resources evaluating a person's drug routine and educating them on proper usage.

I urge passage of this freshman amendment package which will further reduce health care costs for American families. Thank you.

Mr. UDALL of New Mexico. Madam President, I seek recognition.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, this package today is a result of collaboration that began months ago when the Senate's freshman class united as advocates for comprehensive health reform, when we united in the belief that the status quo is not an option.

The health care status quo does not work for Americans and it does not work for America either. If we fail to act, every person, every institution, every small business in this country will pay the price.

Achieving true reform means making insurance available and affordable to all Americans. It also means reining in out-of-control spending. For some, those two goals seem diametrically opposed. They ask: How can you contain costs when you are expanding access to millions of additional people?

One of our country's great economic thinkers, Paul Krugman, recently challenged this hypothesis. First, he said a majority of Americans uninsured are young and healthy. Covering them would not increase costs very much. Second, he noted that this reform links coverage expansion to ''serious cost-control measures.''

These goals are two sides of the same coin. Without one, we cannot have the other. As Mr. Krugman said:

The path to cost control runs through universality. We can only tackle out-of-control costs as part of a deal that also provides Americans with the security of guaranteed health care.

With these amendments, we take additional steps to transform our delivery system, to contain costs, and to curb abuses and excess spending. With these amendments, we encourage a faster transition to a 21st-century system that is more efficient, costs less, and holds providers and insurers accountable.

I am proud to sign on to all of the amendments in this package. But there is one proposal that is particularly important to the people of New Mexico. In my State, 30 of 33 counties are classified as medically underserved. Residents of these highly rural counties are more likely to be uninsured. They are more likely to have higher rates of disease. And because of a shortage in health care providers, they are often forced to travel long distances for care.

This amendment would help us take the first steps toward alleviating the growing shortage of primary care physicians in New Mexico and across the country. By 2025, there will be a shortage of at least 35,000 primary care physicians in the United States. As this shortage grows, our rural areas will be hardest hit.

In this amendment, we call for expert recommendations on how to encourage providers to choose primary care and to establish their practices in medically underserved areas. These experts would analyze things such as compensation and work environment. They would recommend ways to increase interest in primary care as a career.

We are closer than ever to providing all Americans with access to quality, affordable health care. I am proud to be a part of a group of freshmen who refuse to sit on the back bench and watch this reform develop from the sidelines. I am proud to be part of a group that from the beginning refused to accept the status quo as an option.

I thank the staff of all these fine Senators and thank personally my staff members, Fern Goodheart and Ben Nathanson.

I look forward to continuing the work with this outstanding group as we debate a bill that will improve our health care system for generations to come.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, it is also my pleasure to stand with my colleagues and be a part of this health reform package, to give recognition to those distinguished senior Senators who have put so much heart into drafting this important legislation, to our Leader REID and to Senator BAUCUS, Senator DODD, and all the individuals. It is a pleasure for me to be a part of this freshman colloquy on this major package.

Over the past several months, my freshman colleagues and I have taken the floor many times to speak about the need for comprehensive health care reform. I am pleased to join them today as we discuss our cost containment package.

This set of provisions will help promote accountability, increase efficiency, and reduce disparities in our health care system. Our amendment will reinforce and improve the principles of high-value, low-cost care that is central to the Patient Protection and Affordable Care Act.

Our amendment will strengthen Medicare's ability to act as a payment innovator, paying for value and not for volume. In speeding this process, our amendment gives Medicare more of the resources it needs to gather data, expand programs that work, and reach the neediest patients.

We also work to strengthen waste, fraud, and abuse provisions in the Patient Protection and Affordable Care Act in order to make sure that the Department of Health and Human Services has the tools to not only punish offenders but to prevent fraud from happening in the first place.

But this is not just about our public programs. We also promote private-public data sharing to get a better picture of our whole medical system.

Our amendment further takes aim at administrative costs, another barrier often cited to getting the most effective care, by encouraging public-private collaboration to create uniform standards and reduce the mountain of paperwork that takes doctors' time away from their patients.

Finally, we put pressure on private insurers to change the way they pay. By encouraging insurers to reward programs that reduce disparities, providers will increasingly focus attention on populations that need it most.

By proactively targeting these needy folks through cultural competency training, language services, and community outreach, our amendment will increase wellness and reduce the use of costly emergency room care.

My colleagues and I are supported by top business groups, consumer groups, and providers because they all know we have to transform the way care is delivered in this country. Businesses know that without the reduced cost of care and promoting transparency, the cost of premiums continues to rise, putting a stranglehold on wage increases and making them less competitive.

Consumer groups want to ensure the patients get more value for their dollar, that they do not just get more care but they get the type of coordinated, effective care that will keep them healthy and out of the emergency rooms. Those providers who focus on targeted care to get the best patient outcome want to be rewarded for doing so.

The evidence could not be clearer, the conclusions could not be more decisive that the Patient Protection and Affordable Care Act, coupled with our amendment, will lower costs for ordinary Americans.

I call upon my colleagues to take an honest look at what we are doing, and I defy them to say that health care reform will not reduce costs and improve the functioning of our health care system.

The debate over health care reform cannot be scoring political points. It must be about the health and well-being of the American people. All of our great work will bear fruit, and we will reform our Nation's health system because there is no other option. Our citizens demand it, and they deserve no less.

I thank our distinguished colleagues. I am happy to be a part of this freshman colloquy in presenting such an important issue at this time in history in this great country of ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Madam President, I seek the floor to talk about this package of cost containment offered by the freshmen. I am proud to join them in offering this amendment today.

The technical work in this package is complex and complicated, but the themes it addresses are simple and straightforward, which I know our colleagues on the other side will appreciate and we hope support—value, innovation, quality, transparency, and cost containment.

The full legislation now under debate in the Senate makes wonderful strides in fixing what is broken in America's current health care system. Under the leadership of Senators BAUCUS, DODD, HARKIN, and our Majority Leader REID, the committees have done incredible work.

What the freshmen are saying today is we believe our package can help. We can go further. We can do better. Our goal is a health care system that is more efficient and more affordable.

In a few moments, I will stand together at a news conference with all my freshman colleagues to formally announce this package. What I most appreciate is that we will do so with the support of consumer and business groups.

While the language of this amendment promotes efficiency and encourages innovation within the health delivery system, what it is about is helping individual Americans and businesses get a better deal on health care. I am proud of that, especially when we know that cost containment is the No. 1 priority of small business owners in this health reform debate.

Insurance premiums alone in the last 10 years for small businesses have risen 113 percent. It was reported in the media that small businesses in this country face another 15-percent increase in the health premiums in the coming year.

What about families, our friends, and our neighbors? Health insurance premiums are eating up ever growing chunks of the family budget. Nationwide, family health insurance purchased through an employer at the start of this decade cost about $6,700, almost 14 percent of the family income. Last year, the same premium cost $13,000—21 percent of the family income.

If we do nothing, if we do not reform the system and do not contain costs, this country will be in big trouble. By 2016, the same family health insurance will cost more than $24,000. Because health costs are skyrocketing compared to wages, that $24,000 will represent 45 percent of the family budget. Enough is enough. The package we are offering today will help.

I want to focus briefly on a small but significant piece of this package that addresses rural health care. It will help hospitals in several States, including Alaska, my home State, by extending the Rural Community Hospital Demonstration Program. We are building on known success. The program is small. Even with this amendment, the number of eligible hospitals nationwide will expand from 15 to 30, and 20 rural States will be eligible to participate instead of the current 10.

Part of what we are saying in this package is this: If something is working to provide better health care access and value, for goodness sake, let's keep it going and do what we can to improve on it.

My thanks go to Senator BEN NELSON who has been a champion of this program and is also pushing for the extension.

As I conclude, I wish to stress once again how proud I am to stand with my freshman colleagues. The cost containment package we are proposing today will help all Americans, and I hope it will move the Senate that much closer to a historic vote on the landmark legislation that is before us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I know our time is about to expire. I wish to close by thanking all my freshman colleagues and their staffs for the great work they have done on this legislation.

I see a number of my colleagues from the other side of the aisle. This is an amendment package that brings greater transparency, greater accountability, greater efficiency, and greater innovation, and is supported by the Business Roundtable, small businesses and health care systems around the country. I ask for their consideration.

I again thank the Chair, Senator DODD, for allowing us to lay out this package of amendments. I think it will add an important component to this bill in trying to rein in costs not just on the government side but systemwide.

I yield the floor.

Mr. DODD. Madam President, quickly, because I know my colleagues are here on the other side, I want to commend 10 of the 11 new freshmen who are here and who have spoken with great eloquence and passion about this issue. I think all of us, regardless of which side of the aisle we are on, owe them all a great deal of gratitude for putting together a very fine package.

I particularly thank Senator MARK WARNER, our colleague from Virginia, who has led this effort, but obviously so much of this has happened because of the cooperation and ideas that each Member who has spoken here this morning has brought to this particular cluster of ideas on cost containment. All Americans owe them a deep debt of gratitude and can feel pretty good about the future of our country with this fine group of Americans leading it.

The PRESIDING OFFICER. The minority now has 60 minutes.

Mr. BAUCUS. Madam President, may I ask unanimous consent to speak for a couple of minutes to comment on the freshman package? It will just take a few minutes.

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

Mr. BAUCUS. Madam President, I join my good friend from Connecticut in thanking—I don't know if calling them freshmen would be wise, because our colleagues act as though they have been here for years and know the subject extremely well.

Delivery system reform has always been something I have been pushing for, and I am happy to see it is part of your package, and also with additional emphasis on rural areas and Indian reservations. We clearly need more of that, and more transparency. I firmly believe that will help us get costs down and get quality of care up. Your work on the independent Medicare advisory board is great too.

To be honest, these are all the next steps in ideas that are pretty much in the bill, but they are the proper next steps, and the next steps I firmly believe should be taken. So I compliment you and thank you very much, and I thank my friend from Arizona for allowing me this time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I wish also to add my words of congratulations to the new Members for their eloquence, their passion, and their well-informed arguments, although they are badly misguided. But I do congratulate them for bringing forth their ideas and taking part in this spirited debate. We welcome it, and I hope that someday we will be able to agree on both sides for us to engage in real colloquy between us, back and forth. I think the American people and all Members would be well informed.

Madam President, I ask unanimous consent for the next 30 minutes to engage in a colloquy with my colleagues.

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

Mr. MCCAIN. Madam President, I talk a lot about C–SPAN. I am a great admirer of C–SPAN. And the President—at least when he was running for the presidency—believed in C–SPAN as

well, because he said C–SPAN would be in on the negotiations. Here is what was posted by a reporter from Politico last night at 5:48 p.m., entitled ''No C–SPAN Here.''

Right now a group of moderate Senators is meeting behind closed doors to try to hash out a compromise on the public option. Reporters, waiting for the meeting to break, were just moved out of the corridor nearest the meeting and shunted around the corner, making it harder for the press to catch Senators as they leave. C–SPAN this is not.

I would remind my colleagues that the amendment we are discussing here is drafted to prevent drastic Medicare Advantage cuts from impacting all seniors in Medicare Advantage. The amendment says simply: Let's give seniors who are members of Medicare, who have enrolled in Medicare Advantage, the same deal that Senator NELSON was able to get for the State of Florida—at least most of the seniors who enrolled in the Medicare Advantage Program. There are 11 million American seniors who are enrolled in the Medicare Advantage Program. This amendment would allow all 11 million to have the same benefits and there would be no carve-out for various groups of seniors because of the influence of a Member of this body.

I want to quote again the New York Times, my favorite source of information, from an article entitled ''Senator Tries to Allay Fears on Health Overhaul.''

. . . Mr. Nelson, a Democrat, has a big problem. The bill taken up this week by the committee would cut Medicare payments to insurance companies that care for more than 10 million older Americans, including nearly one million in Florida. The program, known as Medicare Advantage, is popular—

And the article lists the benefits, and then continues as follows:

''It would be intolerable to ask senior citizens to give up substantial health benefits they are enjoying under Medicare,'' said Mr. Nelson, who has been deluged with calls and complaints from constituents. ''I am offering an amendment to shield seniors from those benefit cuts.''

He is offering an amendment to shield senior citizens. Well, I am offering a motion that deals with all of the 11 million seniors who are under Medicare Advantage, as the Senator from Florida said, to shield seniors from benefit cuts. That is what this motion is all about. We should not carve out for some seniors what other seniors are not entitled to. That is not America. That is not the way we should treat all of our citizens, and I hope my colleagues will understand this amendment is proposed simply in the name of fairness.

I ask the Senator from Tennessee and the Senator from Texas, who have a large number of enrollees in the Medicare Advantage Program, whether they feel this would be unfair?

Mr. ALEXANDER. Well, I thank the Senator from Arizona for his motion, and I thank the Senator from Florida for his amendment, because Medicare Advantage is very important to Tennesseans. We have 243,000 Tennesseans who have opted for Medicare Advantage. About one-fourth of all Americans who are on Medicare have chosen Medicare Advantage because it provides the option for increased dental care, for vision care, for hearing coverage, for reduced hospital deductibles, and many benefits. It is helpful to low-income and minority Americans, and it is especially helpful to people in rural areas.

What the Republicans have been arguing all week is that, contrary to what our friends on the other side are saying, this bill cuts those Medicare Advantage benefits. The Director of the Congressional Budget Office says that fully half—fully half—of the benefits in Medicare Advantage for these 11 million Americans will be cut. Our Democratic friends say: No, that is not true. That is not true. We are going to cut $1 trillion out of Medicare over a fully implemented 10-year period of this bill, but nobody will be affected by it.

Well, the Senator from Florida apparently doesn't believe that. He says: We have 900,000 Floridians who don't want their Medicare Advantage cut. And he is saying, in effect, we don't trust this Democratic bill to protect these seniors in Medicare Advantage.

So I ask the Senator from Texas: If the people of Florida and the Senator from Florida don't trust the Democratic bill to protect Medicare Advantage, why should 240,000 Tennesseans trust the Democratic bill to protect Medicare Advantage?

Mr. CORNYN. I agree with the distinguished Senators from Tennessee and Arizona, that what is good enough for the seniors in Florida ought to be good enough for all seniors. In my State of Texas, we have 532,000 seniors on Medicare Advantage, and they like it, for the reasons that the Senator from Tennessee mentioned. They do not want us cutting those benefits.

But I say to the Senators from Arizona and Tennessee, I seem to recall that we had amendments earlier which would have protected everybody from cuts in Medicare benefits, and now we have a targeted effort, negotiated behind closed doors, to protect States such as Florida and Pennsylvania and others, and I wonder whether the Nelson amendment to protect the seniors of Florida would even be necessary if our colleagues across the aisle had agreed with us that no Medicare benefits should be cut.

Mr. MCCAIN. As the Senator points out, a few days ago, by a vote of 100 to 1, we voted to pass an amendment proposed by the Senator from Colorado, Senator BENNET, which included words such as ''protecting guaranteed Medicare benefits'' or ''protecting and improving guaranteed Medicare benefits.'' The wording was: ''Nothing in the provisions of or amendments made by this act shall result in the reduction of guaranteed benefits under title XVIII of the Social Security Act.''

Is there any Member on the other side who can guarantee that seniors in his or her State in Medicare Advantage will not lose a single benefit they have today—not the guaranteed benefit the other side goes to great pains to talk about. I think those who are enrolled in the Medicare Advantage system believe that since they receive those benefits, they are guaranteed benefits as well.

I would ask our two physicians here on the floor, who both have had the opportunity to deal directly with the Medicare Advantage Program, if you have a patient come in and you say: By the way, you are having your Medicare Advantage Program cut, but don't worry, we are protecting your guaranteed Medicare benefits, do you think they understand that language?

Mr. COBURN. I would respond to the Senator from Arizona in the following way. First of all, they won't understand that language. But more importantly, if you look at the law, there is Medicare Part A, Medicare Part B, Medicare Part C, and Medicare Part D. They are all law. They are all law. What is guaranteed under the law today is that if you want Medicare Advantage, you can have it. What is going to change is that we are going to take away that guarantee. We are going to modify Medicare Part C, which is Medicare Advantage.

So we have this confusing way of saying we are not taking away any of your guaranteed benefits, but in fact, under the current law today, Medicare Advantage is guaranteed to anybody who wants to sign up for it. So it is duplicitous to say we are not cutting your benefits, when in fact we are.

Let me speak to my experience and then I will yield to my colleague from Wyoming, who is an orthopedic surgeon.

What is good about Medicare Advantage? We hear it is a money pot to pay for a new program for other people. Here is what is good about it. We get coordinated care for poor Medicare folks. Medicare Advantage coordinates the care. When you coordinate care, what you do is you decrease the number of tests, you prevent hospitalizations, you get better outcomes, and consequently you have healthier seniors.

So when it is looked at, Medicare Advantage doesn't cost more. It actually saves Medicare money on an individual basis. Because if you forgo the interests of a hospital, where you start incurring costs, what you have done is saved the Medicare Trust Fund but you have also given better care.

The second point I wish to make is that many people on Medicare Advantage cannot afford to buy Medicare supplemental policies. Ninety-four percent of the people in this country who are on Medicare and not Medicare Advantage are buying a supplemental policy. Why is that? Because the basic underlying benefit package of Medicare is not adequate. So here we have this

group of people who are benefitted because they have chosen a guaranteed benefit of Medicare Part C, and all of a sudden we are saying: Time out. You don't get that anymore.

Mr. MCCAIN. So a preponderance of people who enroll in Medicare Advantage are low-income people, and a lot of them are rural residents?

Mr. COBURN. A lot of them are rural. I don't know the income levels, but I know there is a propensity for actually getting a savings, because you don't have to buy a supplemental policy if you are on Medicare Advantage.

Mr. BARRASSO. I would add to that, following on my colleague from Oklahoma, that there is the coordinated care, which is one of the advantages of Medicare Advantage, but there is also the preventive component of this. We talk about ways to help people keep their health care costs down, and that has to do with coordinated care and preventing illness.

Mr. COBURN. And we heard from the freshman Democrats that they want to put a new preventive package into the program. Yet they want to take the preventive package out of Medicare Advantage. It is an interesting mix of amendments, isn't it?

Mr. BARRASSO. We want to keep our seniors healthy. That is one way they can stay out of the hospital, out of the nursing home, and stay active. Yet with the cuts in Medicare Advantage, the Democrats have voted to do that—to cut all the money out of this program that seniors like. Eleven million American seniors who depend upon Medicare for their health care choose this because there is an advantage to them.

My colleague from Oklahoma, the other physician in the Senate, has talked, as I have, extensively about patient-centered health care—not insurance centered, not government centered. Medicare Advantage helps keep it patient centered. So when I see deals being cut behind closed doors where they are cutting out people from all across the country and providing sweetheart deals to help seniors on Medicare Advantage in Florida in order to encourage one Member of the Senate to vote a certain way, I have to ask myself: What about the seniors in the rest of the country, whether it is Texas, Oklahoma, Tennessee, or Arizona?

A lot of seniors have great concern, and I would hope they would call up and say this is wrong; we need to know what is going on, and to ask why it is there is a sweetheart deal for one selected Senator from one State when we want to have that same advantage; and why are the Democrats voting to eliminate all this Medicare money.

Mr. CORNYN. May I ask my colleagues a question—maybe starting with the Senator from Arizona—on a related issue. Medicare Advantage is a private sector alternative or choice to Medicare, which is a government-run program. I am detecting throughout all of this bill sort of a bias against the private sector and wanting to eliminate choices that aren't government-run plans.

Am I reading too much into this or do any of my colleagues see a similar propensity in this bill?

Mr. ALEXANDER. If I may respond to the Senator from Texas, I think he is exactly right. There is a lot of very appealing talk that we hear from the advocates of the so-called health reform bill. But when we get right down to it, and when we examine it closely, we find a big increase in government-run programs. What does that mean for low-income Americans, and what does it mean for seniors who depend on our biggest government-run programs, Medicare and Medicaid? It means they risk not having access to the doctor they want. The Senator from Wyoming mentioned the Mayo Clinic, widely cited by the President and by many on the other side as an example of controlling costs, is beginning to say: We can't take patients from the government-run programs in some cases because we are not reimbursed properly.

What is going to happen behind all this happy talk we are hearing about health care is, we are going to find more and more low-income patients dumped into a program called Medicaid. Under this program half the doctors will not see a new Medicaid patient. It is akin to giving someone a bus ticket on a bus line that runs half the time. Medicare is going to increasingly find itself in the same shape as Medicaid. The Mayo Clinic has already said they can't afford to serve patients from the government-run programs. The Senator from Texas is exactly right. We don't have to persuade the 11 million Americans who have chosen Medicare Advantage that it is a good program. They like it. In rural areas, between 2003 and 2007, more than 600,000 people signed up for it. In a way, the Senator from Florida may have a sweetheart deal, but in a way he has done us a favor. We have been trying to say all week the Democrats are cutting Medicare. They are saying: Trust us, we are not cutting Medicare. The Senator from Florida is saying: Floridians don't trust you. You are cutting their Medicare Advantage. I want to have an amendment to protect them. Senator MCCAIN is saying: Let's protect all seniors' Medicare Advantage.

Mr. MCCAIN. May I also point out, for the record, on September 20, 2003, there was a letter to the conferees of Medicare, urging them to include a meaningful increase in Medicare Advantage funding for fiscal years 2004–2005—a group of 18 Senators, including Senators SCHUMER, LAUTENBERG, CLINTON, WYDEN, et cetera, including Senator KERRY, who now obviously wants to reduce the funding for Medicare Advantage. Again, perhaps he was for it before he was against it.

I would also like to point out, as short a time ago as April 3, 2009, a group of Senators, bipartisan, including Senators WYDEN, MURRAY, SPECTER, BENNET, KLOBUCHAR, and others, wrote to Charlene Frizzera, acting administrator of the Centers for Medicare and Medicaid Services:

> We write to express our concerns regarding the Centers for Medicare and Medicaid Services' proposed changes to Medicare Advantage rates for calendar year 2010. The advance notice has raised two important issues that, if implemented, would result in highly problematic premium increases and benefit reductions for Medicare Advantage enrollees across the country.

Again, as recently as last April, there was concern on the other side about cuts in the Medicare Advantage Program.

Mr. COBURN. I wonder if the Senator is aware, in Alabama, there will be 181,000 people who will get a Medicare Advantage cut; in California, 1,606,000 seniors are going to have benefits cut; Colorado, 198,000; Georgia, 176,000; Illinois, 176,000; Indiana, 148,000; Kentucky, 110,000; Louisiana, 151,000; Massachusetts, 200,000; Michigan, 406,000—that is exactly what Michigan needs right now, isn't it, for their seniors to have their benefits cut—Minnesota, 284,000; Missouri, 200,000; Nevada, 104,000; New Jersey, 156,000; New York, 853,000; Ohio, 499,000; Oregon, 250,000; Pennsylvania—maybe, maybe not because they may have the deal—865,000; Tennessee, 233,000; Washington State, 225,000; Wisconsin, 243,000.

I ask unanimous consent that the list of what the enrollment is by CMS on Medicare and Medicare Advantage enrollment, as of August 2009, be printed in the RECORD.

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

State	MA Enrollment (August 2009)	Eligibles	MA Penetration (percent)
Alabama	181,304	819,112	22.1
Alaska	462	61,599	0.8
Arizona	329,157	876,944	37.5
Arkansas	70,137	515,175	13.6
California	1,606,193	4,562,728	35.2
Colorado	198,521	591,148	33.6
Connecticut	94,181	553,528	17.0
Delaware	6,661	142,716	4.7
DC	7,976	75,783	10.5

State	MA Enrollment (August 2009)	Eligibles	MA Penetration (percent)
Florida	946,836	3,239,150	29.2
Georgia	176,090	1,176,917	15.0
Hawaii	79,386	197,660	40.2
Idaho	60,676	218,225	27.8
Illinois	176,395	1,792,581	9.8
Indiana	148,174	973,732	15.2
Iowa	63,902	508,942	12.6
Kansas	43,867	421,593	10.4
Kentucky	110,814	735,953	15.1
Louisiana	151,954	664,692	22.9
Maine	26,984	256,214	10.5
Maryland	56,812	754,638	7.5
Massachusetts	199,727	1,029,357	19.4
Michigan	406,124	1,597,119	25.4
Minnesota	284,101	758,981	37.4
Mississippi	44,772	483,403	9.3
Missouri	195,036	976,397	20.0
Montana	27,592	162,779	17.0
Nebraska	30,571	273,589	11.2.
Nevada	104,043	336,581	30.9.
New Hampshire	13,200	208,125	6.3
New Jersey	156,607	1,294,052	12.1
New Mexico	73,567	299,538	24.6
New York	853,387	2,909,216	29.3
North Carolina	251,738	1,424,360	17.7
North Dakota	7,633	106,969	7.1
Ohio	499,819	1,852,596	27.0
Oklahoma	84,980	585,906	14.5
Oregon	249,993	593,232	42.1
Pennsylvania	864,040	2,233,074	38.7
Puerto Rico	400,991	631,298	63.5
Rhode Island	65,108	179,044	36.4
South Carolina	110,949	734,772	15.1
South Dakota	8,973	133,420	6.7
Tennessee	233,024	1,015,771	22.9
Texas	532,242	2,853,472	18.7
Utah	85,585	269,378	31.8
Vermont	3,966	106,562	3.7.
Virginia	151,942	1,094,976	13.9
Washington	225,918	919,899	24.6
West Virginia	88,027	375,303	23.5
Wisconsin	243,443	883,419	27.6
Wyoming	3,942	77,197	5.1

Mr. McCAIN. The point of all this is, the Senator from Florida, a member of the Finance Committee, felt so strongly that Medicare Advantage was at risk he decided to carve out, and was able to get the majority on a party-line vote of the Finance Committee to carve out a special status for a group of seniors under Medicare Advantage in his State. My motion simply says, everyone whom the Senator from Oklahoma made reference to deserves that same protection. That is all this motion is about.

Mr. CORNYN. If the Senator would yield for a question, if this motion is not agreed to, which protects all Medicare Advantage beneficiaries—all 11 million of them, 532,000 in my State—and as a result of not only these cuts but perhaps additional cuts to come in the future to Medicare Advantage, which will make it harder for Medicare beneficiaries to get coverage, I ask particularly my doctor colleagues, what is the impact of eliminating Medicare Advantage and leaving people with Medicare fee for service, which is, as I recall, the Bennet amendment earlier? You have to parse the language closely, but it talked about guaranteed benefits. I think the Senator from Oklahoma makes a good point. Right now, Medicare Advantage has guaranteed benefits.

Mr. COBURN. Absolutely.

Mr. CORNYN. What is the consequence of seniors losing Medicare Advantage and being forced onto a Medicare fee-for-service program?

Mr. COBURN. Limited prevention screening, no coordinated care, loss of access to certain drugs, loss of accessory things, such as vision and hearing supplementals, but, more importantly, poorer health outcomes. That is what it is going to mean—or a much smaller checkbook, one or the other. A smaller checkbook because now the government isn't going to pay for it—you are—or poorer health outcomes. If your checkbook is limited, the thing that happens is, you will get the poorer health outcome.

Mr. BARRASSO. Additionally, the Senator from Arizona talked about the closed-door meetings, secretly trying to come up with things.

There was an article in the paper today that the Democrats are turning to actually throwing more people on the Medicare and Medicaid rolls as they are trying to come up with some compromise; the idea being it is going to be compromising the care of the people. They are trying to put more people onto the Medicaid rolls. The Senator from Tennessee has said many physicians don't take those patients because reimbursement is so poor. It is putting more people into a boat that is already sinking. They want to put more people on Medicaid and more on Medicare, but at the same time they are cutting Medicare by $464 billion. This is a program we know is already going broke. Yet they want to now put people age 55 to 64, add those to the Medicare rolls, which is a program we have great concerns about.

Special deals for some, cutting out many others, now adding more people to the Medicare rolls—to me, this is not sustainable. Yet these are the deals that are being cut less than 100 feet from here off the floor of the Senate, when we are out here debating for all the American people to see the things we think are important about health care. Jobs are going to be lost as a result, if this bill gets passed. People who have insurance will end up paying more in premiums, if this bill is passed. People who depend on Medicare, whether it is Medicare Advantage or regular Medicare, will see their health care deteriorate as a result of this proposal. I turn to the Senator from Arizona, who has been a special student of this.

Mr. McCAIN. So seniors, by losing Medicare Advantage, would then lose certain provisions Medicare Advantage provides and then they would be forced, if they can afford it, which they are now paying zero because it is covered under Medicare Advantage, then they would have to buy Medigap policies that would make up for those benefits they lost when they lose Medicare Advantage.

Guess who offers those Medigap insurance policies. Our friends at AARP, which average $175 a month. We are telling people who are on Medicare Advantage today, when they lose it, they can be guaranteed, if they want to make up for those benefits they are losing, they would be paying $175 a month, minimum, for a Medigap policy. A lot of America's seniors cannot afford that.

Mr. COBURN. That is $2,000 a year.

Mr. McCAIN. They can't afford it.

Mr. COBURN. I will make one other point. Over the next 10 years, 15 million baby boomers are going to go into Medicare. We are taking $465 billion out of Medicare; on the 10-year picture, $1 trillion. So we are going to add $15 million and cut $1 trillion. What do you think is going to happen to the care for everybody in Medicare? The ultimate

is, we are going to ration the care for seniors, if this bill comes through.

Mr. MCCAIN. How much time remains, Madam President?

The PRESIDING OFFICER. Five minutes is remaining.

Mr. MCCAIN. I ask Dr. BARRASSO, have you treated people under Medicare Advantage?

Mr. BARRASSO. I have. People know there is an advantage to being in this program, and that is why they sign up for it. That is why citizens all around the country have signed up for Medicare Advantage. They realize there is value in prevention and there is value in coordinated care. There is value in having eye care, dental care, hearing care. There are advantages to wanting to stay healthy, to keep down the cost of care.

Mr. MCCAIN. So you are making the case that even though it may cost more, the fact that you have a weller and fitter group of senior citizens, you, in the long-run, reduce health care costs because they take advantage of the kind of care that, over time, would keep them from going to the hospital earlier or having to see the doctor more often.

Mr. BARRASSO. That is one of the reasons that Medicare Advantage was brought forth. I know a lot of Senators from rural States supported it because it would allow people in small communities to have this advantage to be in a program such as that. It could encourage doctors to go into those communities to try to keep those people well, work with prevention. The 11 million people who are on Medicare Advantage know they are on Medicare Advantage. They have chosen it. It is the fastest growing component because people realize the advantages of being on Medicare Advantage. If they want to stay independent, healthy, and fit, they sign up for Medicare Advantage. I would think people all across the country, who are seniors on Medicare but are not on Medicare Advantage, would want to say: Why didn't I know about this program? As seniors talk about this at senior centers—and I go to centers and meetings there and visit with folks and hear their concerns—they are converting over and joining, signing up for Medicare Advantage because they know there are advantages to it. For this Senate and the Democrats to say: We want to slash over $100 billion from Medicare Advantage, I think the people of America understand this is a great loss to them and a peril to their own health, as they lose the coordinated care and the preventive nature of the care.

Mr. MCCAIN. I ask the Senator from Tennessee, do you know of any expert economist on health care who believes we can make these kinds of cuts in Medicare Advantage and still preserve the same benefits the enrollees have today?

Mr. ALEXANDER. The answer to the Senator from Arizona is no. I do not know of one. I know of one Senator at least who does not believe it. He is the Senator from Florida. It is interesting that all week we have been going back and forth. We have been saying to the Democrats: You are cutting Medicare benefits. They have been saying: No, we are not.

We have been saying: Yes, you are.

No, we are not.

I am sure the people at home must say: Well, who is right about this? Well, the Senator from Florida, who sits on the other side of the aisle, has said: I am not willing to go back to Florida and say to the people of Florida that your benefits are going to be cut if you are on Medicare Advantage, so I want an amendment to protect you. The Senator from Texas wants and amendment to protect 11 million seniors and so does the Senator from Oklahoma and so does the Senator from Louisiana and so does the Senator from Wyoming, and the Senator from Tennessee.

So the Senator from Arizona is saying, we believe you are cutting Medicare Advantage benefits for 11 million Americans. The Senator from Florida does not trust your bill. We do not either. We want an amendment that protects 11 million seniors.

Mr. CORNYN. Madam President, I would ask our Senators to expand in the brief time we have. It seems as if all of the discussion about health care reform is a bit about accountable care organizations, coordinating care, particularly in the later part of life, avoiding chronic diseases in life.

When I was at Kelsey-Seybold Clinic in Houston, TX, they told me it is Medicare Advantage that allows them to coordinate care, to hold down costs, to keep people healthier longer. Yet the irony, to me, it seems, is that by cutting Medicare Advantage benefits, we are going backward rather than forward when it comes to that kind of coordinated, less expensive care.

Would the Senator concur with that?

Mr. BARRASSO. I would concur that this is actually taking a step backward. That is why the Senator from Florida has demanded they make accommodations for the people of Florida. The people of Wyoming want those same accommodations, as do the people of Arizona and Texas. Because 11 million Americans have chosen the Medicare Advantage Program because it does help coordinate care. It has preventive care. It keeps it more patient centered as opposed to government centered, insurance company centered. That is the way for people to stay healthy, live longer lives, and keep their independence.

We have seen cuts across the board on Medicare, whether it is home health, nursing homes, hospice care, Medicare Advantage. And across the board, they are cutting Medicare in a way that certainly the seniors of this country do not deserve. They have paid into that program for many years and they deserve their benefits.

Mr. ALEXANDER. If I may say to the Senator from Arizona one other thing, we have talked a lot about our good friend, the Senator from Florida, and how he has been so perceptive on noticing that his Floridians with Medicare Advantage may lose their Medicare benefits.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. MCCAIN. Madam President, I ask unanimous consent for an additional 30 seconds for the Senator.

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

Mr. ALEXANDER. I say to the Senator from Arizona, I believe there are other Medicare benefits that are likely to be cut in this bill. Aren't there cuts to hospice? Aren't there cuts to hospitals? Aren't there cuts to home health care, which we talked about yesterday? So if Floridians do not trust the Democratic bill to protect their Medicare benefits from Medicare Advantage, why should they trust the Democratic bill to protect any of their Medicare benefits?

Mr. MCCAIN. I wish to finally point out what Dr. COBURN said. Medicare Part C, which is Medicare Advantage, is part of the law, and to treat it in any way different, because those on the other side do not particularly happen to like it, I think is an abrogation of the responsibilities we have to the seniors of this country.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2962

Mrs. HUTCHISON. Madam President, I rise today to talk about another amendment that is pending, the Nelson-Hatch-Casey amendment. This is an amendment that I think has been discussed in the last day as well. That is the amendment that would assure that no Federal funds are spent for abortion. That was unclear. It is unclear in the underlying bill. I think it is very important we talk about it, that we make sure it is very clear exactly what the Nelson-Hatch-Casey amendment does; and that is, it would bar Federal funding for abortion, which is basically applying the Hyde amendment to the programs under this health care bill.

Since the Hyde amendment was first passed in 1977, the Senate has had to vote on this issue many times, probably just about every year, and I have consistently voted to prohibit Federal funding for abortions, as I know my colleague and friend from Utah has done, as well as the Democratic sponsors of this amendment.

Yet it seems that some Members were on the floor last night misconstruing exactly what the Nelson-Hatch-Casey amendment does. Specifically, their claim was that the Hyde language only bars direct funding for elective abortions while the Nelson-Hatch-Casey amendment bars funding of an entire benefits package that includes elective abortions and therefore is unprecedented.

I wish to ask the distinguished Senator from Utah, what exactly did the Hyde language say? Let's clarify what Hyde was, so we can then determine if your amendment is the same.

Mr. HATCH. I thank the Senator so much.

The current Hyde language contained in the fiscal year 2009 Labor-HHS Appropriations Act says the following:

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Mrs. HUTCHISON. So Federal funds are prohibited from being used in abortions in that particular bill.

What about programs such as CHIP, that was created in the Balanced Budget Act? And in 2009, it was reauthorized by Congress and signed by the President earlier this year. What about the CHIP program?

Mr. HATCH. I know a little bit about CHIP. That was the Hatch-Kennedy bill. I was one of the original authors of the program and insisted that the following language be included in the original statute:

LIMITATION ON PAYMENT FOR ABORTIONS

(A) IN GENERAL.—Payment shall not be made to a State under this section for any amount expended under the State plan to pay for any abortion or to assist in the purchase, in whole or in part, of health benefit coverage that includes coverage of abortion.

(B) EXCEPTION.—Subparagraph (A) shall not apply to an abortion only if necessary to save the life of the mother or if the pregnancy is the result of an act of rape or incest.

That is what the CHIP bill said, and that was the Hatch-Kennedy bill.

Mrs. HUTCHISON. I would assume you do know what is in that bill. What about the Federal Employees Health Benefits Plan, what does it say?

Mr. HATCH. The reason I mentioned Senator Kennedy is because he was the leading liberal in the Senate at the time, and yet he agreed to that language.

As to the Federal Employees Health Benefits package, the following language appears in the Financial Services and General Government Appropriations Act for fiscal year 2009:

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees' health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provisions of Section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

Mrs. HUTCHISON. Well, isn't that the same as the language in the Nelson-Hatch-Casey amendment?

Mr. HATCH. You are absolutely right.

Let me read the language for you in the Nelson-Hatch-Casey amendment.

IN GENERAL.—No funds authorized or appropriated by this Act (or an amendment made by this Act) may be used to pay for any abortion or to cover any part of the costs of any health plan that includes coverage of abortion.

Mrs. HUTCHISON. So based on what you have said, this is not new Federal abortion policy. The Hyde amendment currently applies to the plans discussed, including the plans that Members of Congress have. And the abortion protections for all of the Federal health programs all say exactly the same thing.

The amendment we are going to vote on that is the Nelson-Hatch-Casey amendment would preserve the three-decades-long precedent—that is what your amendment does—and that we must pass it if we are going to guarantee that the bill that is on the floor is properly amended so it is the same as our 30 years of abortion Federal policy in this country?

Mr. HATCH. Right. The reason it is so critical we pass the Nelson-Hatch-Casey amendment is that it is the only way to guarantee that taxpayers' dollars are not used by the insurance plans under the Democrats' bill to pay for abortions. In other words, the Hyde language is in the appropriations process. We have to do it every year rather than making it a solid amendment. But this bill is not subject to appropriations. So if we leave the Hyde language out of this bill, the language we have in the amendment, the Nelson-Hatch-Casey amendment, then we would be opening up a door for people who believe that abortion ought to be paid for by the Federal Government to do so. And we should close that door because that has been the rule since 1977.

Mrs. HUTCHISON. I thank the Senator for the explanation. I thank the Senator from Utah because I do think it is important people know. There has been a lot of questions raised about the bill and whether it would be a foot in the door for changing a policy that has been the law of our country, and accepted as such. Whether it was a Democratic-controlled Congress or a Republican-controlled Congress, I think everyone has agreed this Hyde amendment language has protected Federal taxpayers who might have a very firm conviction against abortion so they would not have to be subsidizing this procedure.

Mr. HATCH. I appreciate the Senator from Texas pointing this out. The current bill has language that looks like it is protective, but it is not. That is what we are trying to do: close the loophole in that language and get it so we live up to the Hyde amendment, which has been in law since 1977.

To be honest with you, I do not see how anybody could argue that the taxpayers ought to be called upon to foot the bill for abortions. Let's be brutally frank about it. The taxpayers should not be called upon to pay for abortions. The polls range from 61 percent of the American people, including many pro-choice people, who do not believe taxpayers should pay for abortions, to 68 percent. The polls are from 61 to 68 percent of those who do not believe the taxpayers ought to be paying for abortion, except to save the life of the mother or because of rape or incest. And we have provided for those approaches in this amendment. So anybody who argues otherwise is plain not being accurate.

Mr. SPECTER. Madam President, will the Senator from Utah be willing to yield for a question?

Mr. HATCH. Sure.

Mr. SPECTER. My question relates to the provisions of the pending bill, section 1303(2)(A), which specifies that the plan will not allow for any payments of abortion, and where there is, as provided under section 1303(2)(B), there will be a segregation of funds. So that under the existing statute, there is no Federal funding used for abortion. But a woman has the right to pay for her own abortion coverage. And with the status of Medicaid, where the prohibition applies to any Federal funds being used to pay for an abortion, there are 23 States which allow for payment for abortion coverage coming out of State funds.

So aren't the provisions of this statute, which enable a woman to pay for an abortion on her own, exactly the same as what is now covered under Medicaid, without violating the provisions of the Hyde amendment?

Mr. HATCH. Well, the way we view the current language in the bill is that there is a loophole there whereby they can even use Federal funds to provide for abortion under this segregation language, and that is what we are concerned about. We want to close that loophole and make sure that the Federal funds are not used for abortion.

Like I say, there are millions of people who are pro-choice who agree with the Hyde language. All we are doing is putting the Hyde language into this bill in a way that we think will work better.

Mr. SPECTER. If the Senator will yield further.

Mr. BROWNBACK. Will the Senator yield for a comment?

Mr. HATCH. I would be happy to yield.

Mr. BROWNBACK. In responding to the Senator from Pennsylvania as well, I wish to quote BART STUPAK, who carried the same sort of amendment you are putting forward, only on the House side. The same sorts of questions, naturally, were coming forward, saying: OK, you are blocking abortion funding for the individual. He said this—and I am quoting directly from Representative STUPAK:

The Capps amendment—Which is in the base Reid bill here—departed from Hyde in several important and troubling ways: by mandating that at least one plan in the health insurance exchange provide abortion coverage, by requiring a minimum $1 monthly charge for all covered individuals that would go toward paying for abortions and by allowing individuals receiving Federal affordability credits—

Those are Federal dollars—

to purchase health insurance plans that cover abortion. . . .

In all those ways, the Capps amendment—which is in the Reid bill—expands and does allow Federal funding of abortion that we have not done for 33 years.

Going on with Representative STUPAK's statement:

Hyde currently prohibits direct federal funding of abortion. . . . The Stupak amendment—

Which is also the Nelson-Hatch amendment—

is a continuation of this policy—

Of the Hyde amendment—

nothing more, nothing less.

I think it is important to clarify that this is a continuation of what we have been doing for 33 years that the Senator from Utah and the Senator from Nebraska are putting forward with this amendment.

I thank my colleague for yielding.

Mr. HATCH. Madam President, I thank my colleague for bringing it forward. The segregation language is very problematic language. That is what we are trying to resolve. We basically have all agreed with the Hyde amendment, which is from 1977, and this would, in effect, incorporate the language in the bill.

Mr. JOHANNS. Would the Senator yield for another comment?

Mr. HATCH. Sure.

Mr. JOHANNS. I might just offer a thought here on that language. The National Right to Life group saw through that gimmick immediately. It took them about 20 seconds to figure out what was happening here. I think they referred to it as a ''bookkeeping gimmick,'' that somehow there would be some segregation if the Federal money went in your left pocket but you paid for abortions out of your right pocket. It doesn't make any sense. That segregation isn't going to work. They saw through it. They saw the gimmick it was.

Let me just say, I support the Senator's amendment. I applaud Senator HATCH and Senator NELSON and Senator CASEY for bringing this very important issue forward. I applaud you for keeping this effort that started with the Hyde amendment—or Hyde language, rather—because what we are really doing here is we are saying very clearly to the American people, whether directly or indirectly, your tax dollars are not going to be used to buy abortions.

Thank you for your leadership on this issue. I am happy to be here to support that.

Mr. SPECTER. Would the Senator from Utah respond to my question? How can you disagree with the provisions of section 1303(2)(A) of the bill which is pending which specifies that if a qualified health plan provides services for abortion—this is the essence of it—if a qualified health plan provides coverage for services for abortion, the issuer of the plan should not use any amount of the Federal funds for abortion? So there is a flatout prohibition for use of Federal funds. And under section 1303(2)(B), there is a segregation of funds which is identical to Medicaid.

So however you may want to characterize it, how do you respond to the flat language of the statute which accomplishes the purpose of the Hyde amendment and allows for a payment by collateral funds, just as Medicaid pays for abortions without Federal funds?

Mr. HATCH. Let me respond to the distinguished Senator, although I am not going to ask him a formal question. If that is true, then why have the Capps language in there? Why don't we just take the Hyde language, which is what we are trying to do. It isn't true. We know in this bill there will be subsidization to help people pay for health insurance. In fact, the subsidization can go to people up to $88,000 a year, and that could be indirectly used for abortion. It is a loophole that Hyde closes.

If the distinguished Senator from Pennsylvania believes the Capps language does what Hyde meant to begin with and what it has been since 1977, what is wrong with putting the Hyde language in here and solving the problem once and for all? We see it as a loophole through which they can actually get help from the Federal Government directly and indirectly to pay for abortion.

Now, let's think about it. There are no mandates in this language that we have for elective abortion coverage. Plans and providers are free from any government mandate for abortion. There is no Federal funding of elective abortion or plans that include elective abortion except in the cases where the life of the mother is in danger or the pregnancy is caused by rape or incest. The amendment allows individuals to purchase a supplemental policy from a plan that covers elective abortion as long as it is purchased with private dollars. The amendment prohibits the public plan from covering elective abortions. It prevents the Federal Government from mandating abortion coverage by private health plans or providers within such plans. And insurance plans are not prevented from selling truly private abortion coverage, even through the exchange. This amendment doesn't prohibit that.

The bottom line: The effect on abortion funding and mandates is exactly the same as that of the House bill changed by the Stupak amendment.

Now, look, if the distinguished Senator from Pennsylvania believes the Capps language is the same as Hyde, he is wrong. And if he believes it does what Hyde would do, he is wrong there. Why not just put the Hyde language in once and for all, which has been there since 1977? That is what the Stupak language is.

The Hyde amendment specifically removes abortion from government programs, but the Reid bill specifically allows abortion to be offered in two huge new government programs. The Reid bill tries to explain this contradiction by calling for the segregation of Federal dollars when Federal subsidies are used to purchase health plans. This ''segregation'' of funds actually violates the Hyde amendment which prevents funding of abortion not only by Federal funds but also by State matching funds within the same plan. Simply put, today, Federal and State Medicaid dollars are not segregated. So that is the difference.

If the distinguished Senator from Pennsylvania believes the current language in the Reid bill meets the qualities of the Hyde language, then why not just put the Hyde language in once and for all since it has been in law since 1977?

It is important to note that today there is no segregation of Federal funds in any Federal health care program. For example, the Medicaid Program receives both Federal and State dollars. There is no segregation of either the Federal Medicaid dollars or the State Medicaid dollars.

With that, I know I have some colleagues who have asked for some time to speak, so I will yield the floor.

Mr. VITTER addressed the Chair.

Mr. SPECTER. The Senator from Utah has not yet answered the question.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Thank you, Madam President.

I strongly support the efforts of the distinguished Senator from Utah and his amendment offered along with Senator NELSON and Senator CASEY. And I think this exchange and this colloquy is very helpful. In fact, I think it proves the point, particularly the participation of the Senator from Pennsylvania in it. The only folks who are defending the language in the Reid bill are folks who are clearly and strongly pro-choice, pro-abortion. Folks who have a fundamental problem with that all say the underlying language in the Reid bill has huge loopholes. That includes people who want to support the bill otherwise. I am strongly against this bill. I am not in that category. But, as the distinguished Senator, Mr. BROWNBACK, mentioned, Representative STUPAK wants to support the underlying bill. He supported it in the House, but he was very clear in his efforts on the House floor that the underlying language, which is now in the Reid bill, had huge loopholes, wasn't good enough, needed to be fixed. That is why he came up with the Stupak language, and that is essentially exactly what we have in this amendment.

Similarly, the U.S. Conference of Bishops is very supportive of the concepts of the underlying bill, but they have said clearly that the Reid bill is ''completely unacceptable'' on this abortion issue and ''is actually the worst bill we have seen so far on the life issues.''

So this colloquy involving the distinguished Senator from Pennsylvania, I think that general debate proves the point clearly.

I again compliment the Senator from Utah, along with Senator NELSON, Senator CASEY, and others—I am a cosponsor of the amendment—on this effort. We need to pass this on the bill. This will do away with the loophole. This will be real language to truly prohibit taxpayer funding of abortions. This constitutes exactly the same as that long tradition, since 1977, of the Hyde amendment. This marries the Stupak language, so it should be crystal-clear.

What will this amendment specifically do? It will mean there are no mandates for elective abortion coverage. Plans and providers are free from any government mandate for abortion under this amendment language. It would mean there is no Federal funding of elective abortion or plans that include elective abortion except in the case of when the life of the mother is in danger or in case of rape or incest. It means this amendment would allow individuals to purchase a supplemental policy or a plan that covers elective abortion as long as that separate policy is purchased completely with private dollars. It would prohibit the public plan from covering those elective abortions and prevent the Federal Government from mandating abortion coverage by any private plan. Insurance plans are not prevented from selling truly private abortion coverage, including through the exchange, but taxpayer dollars would have nothing—absolutely nothing—to do with it.

Bottom line: The effect on abortion funding and mandates is exactly the same as the long and distinguished tradition of the Hyde amendment with this amendment, and it would be exactly the same as the Stupak language on the House side.

I also agreed with the distinguished Senator from Utah when he said this should not be of any great controversy. Abortion is a deeply divisive issue in this country, but taxpayer dollars being used to pay for abortion is not. There is a broad and a wide and a deep consensus against using any taxpayer dollars to pay for abortion. The Senator from Utah mentioned polls. That is why the Hyde amendment has been longstanding since 1977. That is why it has been voted for and supported and passed again and again in Congresses with Democratic majorities and Republican majorities. It is a solid consensus. It does represent the common sense of the American people. Certainly, I will follow in a similar, proud tradition of Louisiana Senators supporting that consensus. Every U.S. Senator from Louisiana since the Hyde amendment was originally adopted has strongly supported this commonsense consensus view—every Senator. Everyone but me has been Democratic, but every sitting U.S. Senator from Louisiana has supported that commonsense consensus view, and I surely hope that tradition continues today.

Again, I applaud the Senator from Utah and his leading cosponsors, Senator NELSON and Senator CASEY, on this effort, and I encourage all of my colleagues, Democrats and Republicans, to come together around what the American people consider a real no-brainer, a true consensus, something that clearly reflects the common sense of the American people. Is abortion a divisive issue? Yes. Is using taxpayer dollars to fund abortion a close question? No. There is a clear consensus in America not to use any taxpayer dollars to fund abortion. It is crystal-clear that we need to pass this amendment, and the underlying language in the Reid bill is completely unacceptable.

With that, thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I am very appreciative of the Senator from Texas, the distinguished Senator from Louisiana, the distinguished Senator from Nebraska, and, of course, the distinguished Senator from Kansas and the distinguished Senator from South Dakota who are here on the floor and participating. I believe we have until 12:27, so I am going to relinquish the floor.

Mr. THUNE. Before the Senator leaves, I wish to put one fine point on something the Senator said in response to the question from the Senator from Pennsylvania about the use of Medicaid funds in the States.

There are a number of States that do provide programs that have abortion funding, but I think there is a very clear distinction that needs to be made in Medicaid funds which are matching funds, and none of those funds can be used to fund abortions. You said that in response to his question, but I think that point needs to be made very clearly because the Senator from Pennsylvania was implying that somehow, since States have created programs to fund abortions and since Medicaid is a Federal and State program, that somehow those two are being mixed, and that this idea that because they are calling for ''segregation,'' that really doesn't exist in the Medicaid Program.

The Medicaid Program—those are matching funds—is a Federal-State program. The Federal dollars that go into the Medicaid Program—the prohibition that exists on Federal funding of abortions applies to Medicaid dollars that go to the States, to the degree that States have adopted programs that fund abortion. Those are State funds and not Medicaid funds, which are matching funds.

Mr. HATCH. I am glad the Senator made that even more clear. Last night, a number of Democrats completely distorted this issue. If they think the Capps language equals the Hyde language, why not put it in? They want to be able to fund abortion any way they possibly can, to fund it in a variety of ways, with Federal dollars, if we don't put the Hyde language in. That is what this is about.

Mr. BROWNBACK. Will my colleague yield?

Mr. HATCH. I am happy to.

Mr. BROWNBACK. If you are not clear about this, then abortion will be funded. If there is any of this that needs clarity one thing is for certain with the Capps language in the baseline of the Reid bill, that abortion will be funded.

The Commonwealth of Massachusetts recently passed its State-mandated insurance, Commonwealth Care, without an explicit exclusion on abortion. Guess what. Abortions there were also funded immediately. In fact, according to the Commonwealth Care Web site, abortion is considered covered as outpatient medical care. That is a point about being clear with the Hyde-type language, which is the Nelson-Hatch language, which says: No, we are not going to fund this, and we are going to continue the 33-year policy. If we keep the Capps language in that funds abortion—the last time the Federal Government funded abortions was during that 3-year period after Roe, but before Hyde, and we were funding about 300,000 abortions a year. The Federal taxpayer dollars funded abortions through Medicaid.

I cannot believe any of my colleagues would say: Yes, I would be willing to buy into that 300,000 abortions a year when President Obama and President Clinton said we want to make abortions safe, legal, and rare. Well, 300,000 a year would not be in that ballpark. That is the past number that happened when you didn't have Hyde language in place at the Federal level.

Mr. HATCH. That is what it will do here too. All this yelling and screaming when they say it equals the Hyde language—it doesn't. That is the problem. If they want to solve the problem, why not use the Hyde language that has been accepted by every Congress since 1977? The Senator is right that there were 300,000 abortions a year between 1973 and 1977 because we didn't have the Hyde language. We got tired of the taxpayers paying for them. Why should they pay for it? Why should taxpayers who are pro-life—for religious reasons or otherwise—have to pay for abortions, elective abortions by those who are not? They should not have to.

To be honest, the language in the current bill is ambiguous and it would allow that. Anybody who is arguing this is the same as the Hyde language hasn't read the Capps language. We want to change it to go along with Hyde. It doesn't affect the right to abortion, except that we are not going to have taxpayers paying for it.

Mr. THUNE. If the Senator will yield——

Mr. HATCH. Yes.

Mr. THUNE. That is what STUPAK and other Members of the House of Representatives saw; that this created

tremendous ambiguity and they sought to tighten it up and reinstate the longstanding policy regarding Federal funds and their use to finance abortions since 1977, the Hyde language. The Stupak amendment to the House bill passed with 240 votes. There was a sizable, decisive majority of Members in the House of Representatives who saw through what the ambiguity was that exists regarding the House bill and now the Senate bill.

This is intentionally ambiguous for the reasons you mentioned. This simply clarifies, once and for all, what has been standard policy at the Federal level going back to 1977. As the Senator stated earlier, I believe it represents the consensus view in America of both Republicans and Democrats who believe this is ground we can all stand on, irrespective of where people come down on this issue; that the idea that somehow Federal taxpayer funds ought to finance abortions is something most Americans disagree with. That is why there has been such broad, bipartisan support for this particular policy, and that is why it should be extended into the future.

As the Senator from Utah said, 61 percent are against funding abortions. But I have seen polls that suggest it is much higher than that. I know it is much higher in my State of South Dakota. I commend the Senator for seeing his way to offer an amendment that clarifies and removes all this ambiguity and what, to me, is clearly an intentional ambiguity regarding this issue and the underlying bill.

Mr. HATCH. Madam President, I ask unanimous consent that Senator CORNYN be added as a cosponsor to the Nelson-Hatch-Casey amendment.

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

The Senator from Nebraska is recognized.

Mr. JOHANNS. Madam President, how much time remains?

The PRESIDING OFFICER. There is 4 minutes remaining.

Mr. JOHANNS. Madam President, I have been on the floor a number of times debating this issue, a while back on a motion to proceed and since this amendment has come up. I wish to tell the Senator from Utah that I don't believe I have seen a more concise, clear explanation of the history of the Hyde language than I saw over the last half hour of debate on the Senate floor. The Senator laid it out perfectly. The Senator laid out how we have, over a long period of time, stayed with that Hyde language. That was the agreement that had been reached.

Our colleague from Texas said this is a foot in the door, and I agree with her. If this Reid bill passes with the current language on abortion, it is not only a foot in the door but, in my estimation, it kicks down the door. It kicks down the door and sets up structure for the Federal funding of abortions. That is what we are going to end up with.

A couple weeks ago, I came to the floor when we were debating the motion to proceed and I said, at that time, to me, this is the pro-life vote, because if this bill goes to the floor, we will now need 60 votes to get an amendment passed. I said I don't count the 60. I issued a challenge and I said: If there is any Member who has a list of 60 Members who will vote for this amendment, I am willing to look at that and change my view of the world. Well, that hasn't happened.

In fact, there are many predictions being made that, sadly and unfortunately, this amendment will not get the 60 votes it needs.

Let me put this into context. For pro-life Senators, this is the vote, but it doesn't stop here. In my estimation, you are pro-life on every vote. You don't get a pass on this vote or that vote or the next vote or whatever the vote is. You are pro-life all the way through.

Even if this amendment doesn't pass, I wish to make the case that this bill should not go forward because it literally will create a system, a structure, a way to finance abortions. I don't believe that is what this country wants. Many Senators, including the Senator from South Dakota and the Senator from Kansas, have very clearly made the case that the people of the United States do not want their tax dollars to go to buying abortions.

My hope is, 60 Senators will step up on this amendment. I will sure support it. I will speak everywhere I can in support of it. I am so appreciative that Senator NELSON and Senator HATCH and Senator CASEY brought this forward. I am glad to be a cosponsor. It is my hope this amendment will pass.

It is my conviction that we need to stand strong throughout this debate and make sure this language doesn't end up in the final bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I think the Catholic bishops have put it as concisely as anybody:

> In every major Federal program where Federal funds combine with nonfederal funds (e.g. state or private) to support or purchase health coverage, Congress has consistently sought to ensure that the entire package of benefits excludes elective abortion. For example, the Hyde amendment governing Medicaid prevents the funding of such abortions not only using federal funds themselves, but also using the state matching funds that combine with the federal funds to subsidize the coverage. A similar amendment excludes elective abortions from all plans offered under the Federal Employees Health Benefits Program, where private premiums are supplemented by a federal subsidy. Where relevant, such provisions also specify that federal funds may not be used to help pay for administrative expenses of a benefits package that included abortions. Under this policy, those wishing to use state or private funds to purchase abortion coverage must do so completely separately from the plan that is purchased in whole or in part with federal financial assistance. This is the policy that health care reform legislation must follow if it is to comply with the legal status quo on federal funding of abortion coverage. All of the five health care reform bills approved by committee in the 111th Congress violate this policy.

Following the Hyde amendment principles is what we have done for 33 years, until this moment, until the Capps language in the Reid bill. Now we have flipped that on its head and are saying you can combine Federal funds with non-Federal funds to pay for elective abortions. That was the policy prior to Hyde in 1977. That funded 300,000 abortions, roughly, a year at that point in time. There is no way in this country that is a policy the American people support. They don't. They may be divided about abortion but not about Federal funding for elective abortion. There is no division about that at all. It has been very consistent policy, until we have seen the Reid bill, this particular piece of legislation. We have been quite consistent about this. It is my hope my colleagues will say: I may be pro-choice, but I have consistently supported Hyde because I think we should not be funding elective abortions.

I hope they will vote for the Nelson-Hatch amendment because of that very feature. It is not about abortion, it is about the funding of elective abortions. I hope we don't go in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Montana has 3 minutes 17 seconds.

Mr. BAUCUS. Madam President, with respect to the last debate, let's be clear that the underlying bill keeps the three-decades-old agreement that has implemented the Hyde amendment to separate Federal funds from private funds when it comes to reproductive health care.

The Nelson-Hatch amendment is unnecessary. It is discriminatory against women. Women are the only group of people who are told how to use their own private money. That is unfair.

On another matter, with respect to the McCain motion, let me explain a little bit about Medicare Advantage and how it works. Essentially, the Medicare Advantage Programs are insurance companies. They are insurance companies that have their own officers, directors, their own marketing plans and their own administrative costs and they are concerned about the rate of return on investment for their stockholders. These are simple, garden variety, ordinary insurance companies.

In this case, they are insurance companies that get general revenue from payroll taxes and premiums. They are basically insurance companies that give benefits to senior citizens. These insurance companies are overpaid. There is not much disagreement that they are overpaid. How are they paid? Well, believe it or not, these insurance companies—Medicare Advantage plans—are paid according to the amount Congress sets in statute. That is their payment rate, what Congress sets in statute.

The problem is, by doing so, these preset rates overstate the actual cost of providing care by 30 percent. We pay more than it costs to provide care by about 30 percent, in many cases. These overpayments also clearly promote inefficiencies in Medicare. Also, these payments have not been proven to increase the quality of care seniors receive. In the estimate I saw, about half the Medicare Advantage plans have care coordination and half don't. Half are no better than ordinary fee-for-service plans. Because of this broken, irrational payment system, some plans receive more than $200 per enrollee per month and others receive about $36 per enrollee per month.

Again, the payment rates are set by statute, relating to fee for service in the area. It is broken. It doesn't make sense. It causes great dislocations and differences in the payment rates. Frankly, under this broken system, all beneficiaries are not receiving the same care. I believe all beneficiaries should be able to have access to the best care, not just those who happen to live in States with high payment rates.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Madam President, I ask unanimous consent to continue for an additional 5 minutes.

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

Mr. BAUCUS. Madam President, I have said these Medicare Advantage plans are overpaid. Nobody disagrees with that. They are overpaid. The Senator from Oklahoma, Mr. COBURN, when I asked him a few days ago if he thought they were overpaid, said: Yes, they are overpaid. The MedPAC advisory board tells us: Yes, they are overpaid.

Here is a statement made by Tom Scully, former Administrator of the Center for Medicare and Medicaid Services:

> I think Congress should take some of it away. There's been huge over-funding.

There are lots of other citations from Wall Street analysts and others in the industry saying clearly the Medicare Advantage plans are overpaid. Frankly, we, in Congress, put a statutory provision in law that has caused this overpayment. Clearly, we should fix it.

In addition, something that is pretty alarming is, according to a study I saw, only about 14 cents on the dollar of extra payments to Medicare Advantage plans goes to beneficiaries—only 14 cents—which means 86 cents on the dollar goes to the company, not to the beneficiaries, not to the enrollees but to the companies—''the companies'' meaning the officers, directors, administrative costs, marketing costs, rate of return. It is to the company, any ordinary, garden variety company. Therefore, it behooves us to find a better way to pay Medicare Advantage companies so it is efficient, there is not waste, and payments go primarily to enrollees, to beneficiaries.

How do we do that? This legislation moves away from the current archaic system which sets statutory amounts in effect. Rather, we say, OK, why not have these companies bid? Let them compete based on costs in their regions. One region of the country is different from another region of the country. We are going to say what is fair here to get rid of a lot of waste and overpayments is provide that Medicare Advantage plans can compete in their area based on cost.

The plan will be paid the average bids that are based on competition in the area. We, the authors of this bill, think that is a far better way of paying for Medicare Advantage.

Will that reduce payments to beneficiaries? Certainly no. All guaranteed benefits are guaranteed in this legislation. In fact, I am going to check up on another statistic. I heard somewhere under this legislation there will be an increase of enrollees—not a decrease, an increase of enrollees. I am going to track that down because I want to be sure I am accurate.

I will conclude. I want to talk more about this issue later. There may be a separate amendment on this subject offered on our side. By and large, it is wrong to continue a current system that dramatically overpays and where 86 percent of the overpayment goes to the company and only 14 cents goes to the beneficiaries. We have to come up with a fair way of paying Medicare Advantage. I think a fair way is to have the companies competitively bid based on cost in their areas. That way they are going to get reimbursed at a level that is relevant to their area, and it is also relative to the cost they incur when they run their plans. I will have more to say about that later.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009—Resumed

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent that the time between 2:15 p.m. and 4:15 p.m. be equally divided between the two leaders, or their designees, in alternating 30-minute blocks of time, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes; further, that no amendments be in order during this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, since this is the 30 minutes of time for our side, I ask that I be recognized for 10 minutes, Senator MURRAY for 5 minutes, Senator LAUTENBERG for 5 minutes, Senator HARKIN for 5 minutes, and Senator CARDIN for 5 minutes.

We have many Members who wish to come and speak, and I would urge them to contact us. I will just take a minute to get my notes in order, so I suggest the absence of a quorum, and the time should be taken off our time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, we are in the middle of a very important debate about whether we are going to move forward and make sure our people in America have health care. That is what it is about. I am going to throw out a few numbers that are always on my mind as I talk about this issue. One of them is 14,000. Every day, 14,000 Americans lose their health insurance. It is not because they did anything wrong. A lot of times it is just because they get sick and their insurance company walks away from them or they may reach the limit of their coverage, which they didn't realize they had, and they are done for. They could lose their job and suddenly they can't afford to pay the full brunt of their premium. They could get sick and then all of a sudden are now branded with a PC—and that is not a personal computer, it is a preexisting condition—and they can't get health care.

So we are in trouble in this country, with 14,000 Americans a day losing their health care, and a lot of them are working Americans. As a matter of fact, most of them are working Americans. Sometimes a child, for example, will reach the age where they can no longer be covered through their parents' plan, and the child might have had asthma. When they go to the doctor, they beg the doctor not to say they have asthma. I have doctors writing to me saying that parents are begging them: Please, don't write down that my child has asthma; say she has bronchitis because when she goes off my medical plan, she is going to be branded with a preexisting condition. So 14,000 Americans a day, remember that number.

Then, Mr. President, 66 percent, that is the percentage—66 percent—of all bankruptcies that are due to a health care crisis. People are going bankrupt not because they didn't manage their money well or they didn't work hard and save but because they are hit with a health care crisis and either they had no insurance or the insurance refused them. The stories that come across my desk, as I am sure yours, are very heartbreaking. So people are going bankrupt. They lose their dignity, they lose everything because of a health care crisis.

Yesterday, I brought up a couple of numbers—29 out of 30 industrialized nations. That is where we stand on infant mortality. We are not doing very well. It is no wonder; more than 50 percent of the women in this Nation are not seeking health care when they should. They are putting it off or they are never getting it. No wonder we don't do well with infant mortality.

Now, why don't women do this? Because they either don't have insurance or they do not have good enough insurance or they can't afford the copay or they are fearful. They are fearful that maybe if they go this time, the insurance company will say: No more.

We rank 24 out of 30 industrialized nations for life expectancy. My constituents are shocked to hear that. They are shocked at the infant mortality ranking, and they are shocked at the life expectancy ranking. I have heard my Republican friends try to rationalize this: Well, it is because our population is diverse—and all the rest. This is the most powerful, richest Nation on Earth. There is no reason we have to be 24 out of 30 in terms of our life expectancy, especially when we know so much of our problem deals with about five diseases—diseases such as diabetes, which can be prevented and certainly treated.

The last number I will talk about is 45 percent. The average family in America, by 2016, if we do nothing, will be paying 45 percent of their income on premiums. Now, this is disastrous, and 2016 is around the corner by my calculations. So that means more and more of us will not be able to afford insurance, and we are going to show up at hospital emergency rooms. That costs a lot and the outcomes are bad and America will continue on this downward spiral in relation to our health care system.

Why do I take time to talk about this issue? It is because we need to keep our eye on the big picture, and the big picture is not a pretty picture for our people right now. The status quo is not benign, it is not neutral, it is cruel. Every one of us could wake up in the morning having lost a job and having no health care. So what we are doing is going to help every American, and I think one of the best things we do in the underlying bill is to make sure that health care premiums are affordable for everyone. That is the key, and we do it in a number of ways.

But, Mr. President, in the middle of all this, we have an amendment that would roll back the clock on women's rights. I am here to say, as I said last night—and I am happy to see other colleagues joining me—it is unacceptable to single out one group of people—namely the women of this country—and tell them they can't use their own private money to buy an insurance policy that covers the range of reproductive health care. Why are women being singled out? It is so unfair.

We have had a firewall in place for 30 years. It said this: No Federal funds can be used for abortion, but private funds can be used as long as abortion is legal, and it is. Roe v. Wade made it legal in the early stages of a pregnancy. Women have had that right.

Well, this amendment says there is one group of people we are going to treat differently. We are going to take one procedure, that only applies to them, and say they can't buy health insurance for that procedure—only if it is a separate rider, which everyone knows is unaffordable, impractical, and will not work.

I don't see any amendment saying to men that if they want to have a procedure that relates to their reproductive health they can't use their own private money to buy coverage for it. No, it is not in there. We don't tell men, if they want to make sure they can buy insurance coverage through their pharmaceutical plan for Viagra, that they can't do it. No, we don't do that, and I wouldn't support that. It would be wrong. Well, it is wrong to single out women and to say to the women of this country that they can't use their own private funds to purchase insurance that covers the whole range of reproductive health care.

You have to look behind this amendment to understand how pernicious it really is. I have five male colleagues on the other side of the aisle who were on the Senate floor for at least an hour or so talking about this amendment, and one thing about each and every one of them, they want to make abortion illegal. There is no question about it. They want to take away a woman's right to choose, even in the earliest stages of the pregnancy, even if it impacts her health, her ability to remain fertile, or her ability to avoid a very serious health issue such as a heart problem, a stroke. They do not want to have an exception for a woman's health. No question, that is what they want.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mrs. BOXER. I ask unanimous consent for an additional 30 seconds, and then I will turn to Senator LAUTENBERG.

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

Mrs. BOXER. So to sum up my part, the amendment that has been offered by Senators NELSON, HATCH, VITTER, BROWNBACK, et al., hurts women. It singles out one legal procedure and says: You know what. You can't use your own private funds to buy insurance so that in case you need to use it for that legal procedure, you can. So I hope we will vote it down.

I yield the floor, Mr. President, and note that Senator LAUTENBERG is here for 5 minutes. Oh, I am sorry. May I say that the order was Senator MURRAY for 5 minutes to be followed by Senator LAUTENBERG for 5.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I thank the Senator from California for her debate, for outlining the serious concerns we have, and I rise today not only in strong opposition to the Nelson amendment but in strong support of women's health care choices, which this amendment would eliminate.

Mr. President, we can't allow a bill that does so much for women and for families and for our businesses and for the future strength of this Nation to get bogged down in ideological politics because in every single sense of the word, health insurance reform is about choices—giving options to those who don't have them: options for better care or better quality, and insurance that is within reach. This bill was never supposed to be about taking away choices, and we cannot allow it to become that.

Mr. President, this bill already does so much for millions of women across America. Already so far, the Senate has passed Senator MIKULSKI's amendment to be sure that all women have access to quality preventive health care services, and that screenings, which are so critical to keeping women healthy, are available. This underlying bill will also help women by ending discrimination based on gender-rating or gender-biased preexisting conditions, on covering maternity care, preventive care and screenings, including mammograms and well-baby care, expanding access to coverage even if an employer doesn't cover it, and giving freedom to those who are forced to stay in abusive relationships because if they leave, they or their children could lose their coverage.

Mr. President, the amendment before us today would undermine those efforts and goes against the spirit and the goal of this underlying bill. All Americans should be allowed to choose a plan that allows for coverage of any legal health care service, no matter their income, and that, by the way, includes women. But if this amendment were to pass, it would be the first time that Federal law would restrict what individual private dollars can pay for in the private health insurance marketplace.

Let me repeat that: If this amendment were to pass, it would be the first time that Federal law would restrict what individual private dollars can pay for in the private health insurance marketplace.

Now, the opponents of this bill have taken to the floor day in and day out for months arguing that this bill takes away choice. This bill doesn't take away choice, Mr. President, but this amendment sure does. This amendment stipulates that any health plan receiving any funds under this legislation cannot cover abortion care, even if such coverage is paid for using the private premiums that health plans receive directly from individuals.

Simply put, the amendment says if a health plan wants to offer coverage to individuals who receive affordability credits—no matter how small—that coverage cannot include abortion.

In this way, the amendment doesn't only restrict Federal funds, it restricts

private funds. It doesn't just affect those receiving some amount of affordability credits, it also impacts people who are paying the entire cost of coverage but who just happen to purchase the same health plan as those with affordability credits.

The bottom line: This amendment would be taking away options and choices for American women.

There is no question this amendment goes much further than current law, no matter what our colleagues on the other side contend. Current law restricts public funds from paying for abortion except in cases of rape or incest or where the woman's life is in danger. The existing bill before us represents a genuine compromise. It prohibits Federal funding of abortion, other than the exceptions I just mentioned, but it also allows women to pay for coverage with their own private funds. It maintains current law; it doesn't roll it back.

This amendment now before us would be an unprecedented restriction on women's health choices and coverage. Health insurance reform should be a giant step forward for the health and economic stability of all Americans. This amendment would be a giant step backward for women's health and women's rights. Women already pay higher costs for health care. We should not be forced into limited choices as well.

We are standing on the floor today having a debate about a broken health insurance system. It is broken for women who are denied coverage or charged more for preexisting conditions such as pregnancy or C-sections or domestic violence. It is broken when insurance companies charge women of childbearing age more than men but don't cover maternity care or only offer it for hefty additional premiums.

The status quo is not working. Women and their families need health insurance reform that gives them options, doesn't take them away.

I urge my colleagues to stand up for real reform. Reject this shortsighted amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to amend the previous order to give Senator LAUTENBERG 8 minutes, myself 2 minutes, and Senator CARDIN 5 minutes.

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

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, throughout my service in the Senate, I have been a strong supporter for health care reform. But we can't allow reform to be used as an excuse to roll back women's rights that they have had for almost half a century. That is why I strongly oppose the amendment offered by my friend, the Senator from Nebraska. I think he is wrong.

What this amendment does is remove a woman's right to make her own decision, as a practical matter. It is to prohibit any of the health plans on the exchange from covering abortion. It will ban coverage even for women who don't get a dime in Federal subsidy.

Women's reproductive rights are always being challenged here in Congress. What about men's reproductive rights? Let's turn the tables for a moment. What if we were to vote on a Viagra amendment restricting coverage for male reproductive services? The same rules would apply for Viagra as being proposed for abortion. Of course, that means no health plan on the exchange would cover Viagra availability. How popular would that demand be around here? I understand that abortion and drugs such as Viagra present different issues, but there is a fundamental principle that is the same: restricting access to reproductive health services for one gender. This amendment is exclusively directed at a woman's right to decide for herself. It doesn't dare to challenge men's personal decisions.

I have the good fortune of being a father of three daughters and grandfather of six granddaughters. I am deeply concerned by the precedent this amendment would set. I don't want politicians making decisions for my daughters or my granddaughters when it comes to their health and well-being, but that is exactly what this amendment does.

Nothing made me happier than when any of my daughters announced a pregnancy. I watched them grow and prosper in their health and well-being, as they were carrying that child. I was fully prepared to support a decision she might make for the best health of that new baby and protecting her health to be able to offer her love and care for a new child, as I saw in my years.

I don't want to stand here and think that somebody is going to make a decision in this room that affects what my granddaughters or my daughters have to think about. If they want to restrict themselves, let them do it. But how can we stand here and permit this to take place when we are trying to make people healthier and better informed? This amendment wants to take away that right.

Right now, the majority of private health insurance plans do offer abortion coverage. This amendment would force private health insurance companies to abandon those policies, eliminate services, and limit a woman's options. The amendment does not, contrary to statements being made here on the floor, simply preserve the Hyde language that has been in place for more than three decades. Make no mistake, this amendment goes well beyond the concept of limiting Federal funds from paying for abortion. This amendment would make it impossible for a woman who pays for her premiums out of her own pocket to purchase a private health plan that offers her the right to choose what is best for her, for her health, and her family's well-being.

We have been working hard for a long time to eliminate discrimination against women in our current health care system. Right now, our health care bill takes a balanced approach to abortion coverage. It preserves existing Federal law. Women have fought since this Nation's founding to have full rights under the law, including suffrage, including many other things. Unfortunately, this amendment would force them to take a step backward. I don't want to see it happen.

I urge my colleagues, please, use your judgment, make your own choices about your own family. Make your decisions as to what you would recommend to a daughter or a wife. But for God's sake, let the woman choose what is best for her.

I urge my colleagues to vote against the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in strong opposition to the Nelson-Hatch amendment. Let me start by saying that I support a woman's right of choice as a constitutionally affirmed right. I understand how difficult and divisive this issue is. That is why the underlying bill we have before us carries out the compromise that has already been reached between pro-choice and pro-life supporters. It represents maintaining the prohibition on Federal funds for abortion but allows a woman to pay for abortion coverage through use of her own funds. That is current law, and that is what the underlying bill makes sure we continue.

Many of us believe the health care debate is critically important. It is also controversial. Let's not bring the abortion issue into the bill. The Nelson-Hatch amendment would go beyond that. It would restrict a woman's ability to use her own funds for coverage to pay for abortions. It blocks a woman from using her personal funds to purchase insurance plans with abortion coverage. If enacted, for the first time in Federal law, this amendment would restrict what individual private dollars can pay for in the private insurance marketplace.

When you look at those who are supporting this amendment, you can't help but have some concern that this amendment is being offered as a way to derail and defeat the health care reform bill. Most of the people who are going to be supporting the amendment will vote in opposition to the bill. It is quite clear that the Senate health reform bill already includes language banning Federal funds for abortion services. So supporters of this bill are not satisfied with the current funding ban; they are trying to use this to move the equation further in an effort to defeat the bill. This is really wrong as it relates to women in America.

I am outraged at the suggestion that women who want an abortion should be able to purchase a separate rider to cover them. Why would we expect this overwhelmingly male Senate to expect women to shop for a supplemental plan

in anticipation of an unintended pregnancy or a pregnancy with health complications? Who plans for that? The whole point of health insurance is to protect against unexpected incidents.

Currently, there are five States—Idaho, Kentucky, Oklahoma, Missouri, and North Dakota—that only allow abortion coverage through riders. Guess what. The individual market does not accept this type of policy. It doesn't exist.

Abortion riders severely undermine patient privacy, as a woman would be placed in a position of having to tell her employer or insurer and, in many cases, their husband's employer that they anticipate terminating a pregnancy.

Also, requiring women to spend additional money to have comprehensive health care coverage is discriminatory. We don't do that for services that affect men's reproductive rights.

I hear frequently from my friends on the other side of the aisle that the statements we make; that is, those who support the underlying bill—that this allows individuals who currently have insurance to be able to maintain their insurance builds on what is good in our health care system. This amendment takes away rights people already have. So if you have insurance today as an individual that covers abortion services, if this amendment were adopted, you will not be able to get that. So we are denying people the ability to maintain their own current insurance, if this amendment were adopted.

It is the wrong amendment. The policy is wrong. But clearly, on this bill it is wrong.

I urge my colleagues to accept the compromise reached on this bill. Many of us who would like to see us be more progressive in dealing with this issue and remove some of the discriminatory provisions in existing law understand we will have to wait for another day to do that. Let's not confuse the issue of health care reform. Let's defeat this amendment that would be discriminatory against women. That is wrong.

I urge my colleagues to reject the Nelson-Hatch amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senators MURRAY, LAUTENBERG, and CARDIN for participating in our half hour of debate. Our block of time has almost expired. I would like to close the half hour by saying one word that I think is a beautiful word, and that word is ''fairness.'' ''Fairness'' is a beautiful word. It should always be the centerpiece of our work here. We should never single out one group of people as targets. We should treat people the same.

It has been very clearly stated that the Nelson-Hatch amendment, like the Stupak amendment in the House, singles out an area of reproductive health care that only impacts one group, and that is women. It says to women that they can't use their own private funds to buy coverage for the full range of reproductive health procedures. It doesn't say that to a man. It doesn't say to men: You can't use your own funds to cover the cost of a pharmaceutical product that you may want for your reproductive health. It doesn't say that they can't use their own private funds for a surgical procedure they may choose that is in the arsenal that they may choose for their own reproductive rights.

So we say to the men of this country: Look, we are not going to single out any procedure or any pharmaceutical product you may want to use for your reproductive health care. We are saying, if a private insurer offers it, you have the right to buy it. We are singling out women.

Again, let me say this as clearly as I can. We have had a firewall between the use of Federal funds and private funds. Senator REID has kept that firewall in place in the underlying bill. He keeps the status quo of the Hyde amendment. The group here who is coming on the floor continually—mostly men; I think so far all men; there may be some women who have spoken on their behalf, but I have not heard it—are basically saying: Forget the firewall. Forget it. Women, you cannot use your private funds, and government will tell you what you can or cannot do. I will tell you something. That is not what Uncle Sam should do. Uncle Sam should respect women, should respect men. I hope we defeat this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, America's seniors have made clear they value the Medicare Advantage Program. They like their access to private plans, plan choices, lower cost sharing, and all the extra benefits not included in traditional Medicare, such as vision, dental, hearing, and the wellness programs that help them stay fit.

Before the Medicare Modernization Act of 2003, seniors had been decrying their lack of choices. We made sure, under the Medicare Modernization Act, that seniors would be assured health care choices, just as all of us here in the Congress enjoy.

Now that they have access to private coverage and enjoy more benefits and choices, seniors want us to make sure Medicare Advantage stays viable, and they are not happy about the proposed cuts in the majority leader's bill.

I have received more than 500 phone calls since November 1 from constituents who oppose the $120 billion Medicare Advantage cuts proposed by the majority's bill. They know you cannot cut $120 billion from a program without cutting its benefits. A lot of seniors in Arizona are asking, What happened to the President's repeated promise that if you like your insurance, you get to keep what you have? They do not like the idea that under this bill their benefits would be slashed by 64 percent, from $135 of value per month to $49 of value per month, which is exactly what the Congressional Budget Office projects would happen. They do not want the money they paid into Medicare going to fund a new government entitlement program for nonseniors. They are not satisfied with the majority's promise to protect ''guaranteed'' benefits. They want Members of Congress to be straight about our intentions and not engage in semantics. They want an unequivocal promise they will be able to keep exactly what they have now, just as the President promised.

Here is the problem. There is an earmark buried on page 894 of the legislation before us that suggests that senior citizens in Florida must have insisted on this exact kind of protection for their Medicare Advantage as well.

This provision, in section 3201(g), was specifically drafted at the request of the senior Senator from Florida to protect the benefits for at least 363,000 Medicare Advantage beneficiaries in Florida but very few anywhere else. Nothing in the bill grants the same protection that is granted to these senior citizens to those in my State or in the other States in which there are a lot of seniors who have the Medicare Advantage Program.

That is why I support the motion of my colleague, Senator MCCAIN, to commit this bill to the committee and return it without these—actually, what his bill does is to ensure that all seniors, whatever State they are in, enjoy the same grandfathering status as the senior citizens in Florida would have under the Nelson proposal.

The McCain motion to commit is straightforward. First of all, it would help the President keep his commitment that seniors get to keep their insurance if they like it. And it applies to all of America's seniors the same protection granted to Floridians, as I said. Isn't that what all seniors deserve, the security of knowing their current benefits are safe? If our Democratic colleagues are not willing to extend this protection to every Medicare Advantage beneficiary, then I cannot imagine how they can claim to be in favor of protecting Medicare.

I have been sharing letters that I have received from Arizona constituents describing what the Medicare Advantage Program means to them. I thought today I would share some excerpts from a few more of these letters.

A constituent in Surprise, AZ—I hope the Presiding Officer likes the name of that town: Surprise, AZ—just west of Phoenix, says:

> I truly hope you will consider keeping the Medicare Advantage plans for seniors. I find the savings a must on my fixed income.

I appreciate the [high quality] doctor care on my MediSun Advantage plan. Prescriptions are included in the cost of my plan, providing further savings for me. Medicare Advantage has made a real difference in my life. Please don't let anything happen to this important program.

A constituent from Fountain Hills, AZ, writes:

I suffer from a specific type of amyotrophic lateral sclerosis, and rely on Medicare Advantage for all of my medical needs. I am asking that you do all that is in your power to protect and provide for the continued funding of this program. In Arizona, we have over 329,000 people who count on Medicare Advantage. Our lives would be devastated without it.

A constituent from Wickenburg, AZ, says:

Please don't let anything happen to my Medicare Advantage. I like my Medicare Advantage plan because I can choose my own doctor in my own town and also choose a specialist if I need one.

I can also get regular check-ups and don't have trouble getting to see the doctor. So, I ask that you don't let the government cut my Medicare Advantage.

A constituent from Mesa, AZ, says:

I am a senior citizen. I am becoming more and more concerned about President Obama's healthcare plans, and I am writing to tell you that I am happy with my Medicare Advantage plan. I request that you do all you can not to cut my benefits.

I have a fairly wide choice of doctors and specialists, who have always treated me with respect, given me the time I feel I need, and have given me excellent care.

I have a fitness benefit, which entitles me to the Silver Sneakers program at our local YMCA; two choices of a dental plan; a vision plan; plus many other options to maintain my level of health or to try to improve it.

Please, I beg you, do whatever you can to maintain our Medicare Advantage plan. Do NOT cut any of our benefits.

We know there are millions of seniors out there who absolutely depend on Medicare Advantage. Many have stories to tell about how this program has improved the quality of their life and their health. I urge my colleagues to support the McCain motion to commit to ensure that all of America's seniors, not just those in certain preferred counties, primarily located in the State of Florida, are grandfathered in these benefits.

Again, to make it very clear, Medicare Advantage benefits are cut by the $120 billion reduction in Medicare under the bill. The Senator from Florida found a way to grandfather the Medicare Advantage benefits for many of his constituents. What the McCain motion to commit does is to apply that same grandfathering to all seniors in all States so that none of the seniors who have Medicare Advantage today would lose any of the benefits they enjoy today.

It seems to me what is good for our senior citizens in Florida ought to be good for our senior citizens in Arizona or any other State in which they reside. I urge my colleagues to consider and to support the McCain motion to commit.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I want to spend a minute discussing the very emotional and divisive issue of abortion. I personally believe that all children, born or unborn, are a precious gift from God, and we have a moral responsibility to protect them. It grieves me to think that there have been more than 40 million abortions performed in this country since 1973.

I am pleased to support the Nelson amendment that would apply the longstanding Hyde amendment, which currently prohibits Federal funding to pay for abortion services except in cases of rape, incest, or to save the life of the mother, to the health care reform bill.

The issue of abortion is one that results in very strong emotions on both sides of this issue. Because of the concerns that millions of Americans have with using Federal taxpayer dollars for abortion, Congress enacted the Hyde amendment. As my colleagues know, the Hyde amendment has restricted Federal Medicaid dollars from paying for abortion services since 1977, and has been applied to all other federally funded health care programs, including the Federal Employees Health Benefits Program.

Think about that, this language has been in place since the Ford administration, and has survived through the administrations of Presidents Carter, Reagan, George H.W. Bush, Clinton, and George W. Bush. That is 33 years, and all of a sudden, my colleagues want to change our policy on Federal funding of abortion.

We shouldn't be making this type of sweeping policy change in the health care legislation, and the Nelson amendment is a necessary addition to the bill in order to protect our current policy and the unborn.

I understand that not everyone in this country agrees with my position on abortion, but I am deeply concerned about the possible implications of spending taxpayer dollars on abortions when the issue so deeply divides Americans on ethical grounds.

While as I have said, I don't agree with abortion and believe Roe v. Wade should be overturned, the Nelson amendment does not prohibit anyone from seeking an abortion, it does not overturn Roe v. Wade, and it does not place any new restrictions on access to abortions.

It simply ensures that the taxpayer dollars will not pay for services that cause such deep moral divisions in our Nation. I think it is notable that this amendment is one of the few bipartisan amendments that the Senate will consider as part of this debate.

I am pleased that a similar amendment in the House of Representatives passed with a convincing margin, and I urge my colleagues to support the Nelson-Hatch amendment before the Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 10 minutes to the Senator from Idaho, Mr. CRAPO.

Mr. CRAPO. Mr. President, I rise today to discuss the Medicare Advantage Program again. It is one that is facing nearly $120 billion in cuts under the Democratic health care bill.

Currently, there are nearly 11 million seniors enrolled in Medicare Advantage, which is about one out of every four seniors in the United States. In my home State of Idaho, that is about 60,000 people or 27 percent of all Medicare beneficiaries in the State.

Medicare Advantage is an extremely popular program. In fact, it is probably the most popular and fastest growing part of Medicare. A 2007 study reported high overall satisfaction with the Medicare Advantage Program. Eighty-four percent of the respondents said they were happy with their coverage, and 75 percent would recommend Medicare Advantage to their friends or family members.

But despite the popularity of the program, the massive cuts in the Reid bill will result in most seniors losing benefits or coverage or both under Medicare Advantage.

I have a chart in the Chamber which I have shown before. You cannot see the individual States too well on it from this distance at this size, but you can see the coloring on the United States in this chart.

If you live in a State that is red, deep red, or the pinkish color—which is almost every State in the Union—then you are going to see your benefits cut under Medicare Advantage under this bill.

Why am I bringing it up again? We have already had a vote on it. In fact, we have had two votes on it. The majority has insisted on keeping these cuts in the bill. The reason I am bringing it up again is because, as we have combed through this 2,074-page bill, we have found out there is a provision in the Reid bill that would protect Medicare Advantage benefits for some people in the United States, for just a few in this country.

During the Finance Committee markup, Senator BILL NELSON of Florida advocated on behalf of Medicare Advantage and the beneficiaries in his home State of Florida. Subsequently, during closed-door negotiations, the legislative language was added to protect those beneficiaries.

This is interesting because one of the responses to us, as we have tried to stop the imposition of these cuts to Medicare, has been this bill will not cut any Medicare benefits. Well, if not, then why does Florida need a special exemption for its citizens? If not, why not support the McCain amendment that would give the same protection to all Medicare Advantage beneficiaries that the bill gives to primarily just a few in Florida?

Specifically, section 3201(g) of the Reid bill, very deep in the bill on page 894, has a $5 billion provision drafted to prevent the drastic cuts in the Medicare Advantage Program from impacting those enrollees who reside primarily in three counties in Florida: Broward, Miami-Dade, and Palm Beach. It seems unfair that taxpayers would foot a $5 billion provision that provides protection for only some of the Medicare Advantage beneficiaries. It certainly proves there are cuts to Medicare Advantage benefits in this bill; again, benefits that one out of four beneficiaries in America receives—one of the fastest, if not the fastest, growing parts of Medicare. Instead of preferential treatment for some, why not extend these same protections for Medicare Advantage to all beneficiaries under Medicare? I know the 60,000 Medicare beneficiaries on Medicare Advantage in Idaho, my home State, want and deserve that same level of protection.

That is why I am here to support the McCain motion to commit, and that is what his motion to commit would accomplish, very plain and very simple.

The McCain motion would extend this grandfathering provision to all beneficiaries in the Medicare Advantage Program so all seniors in this popular and successful program could maintain that same level of benefits that today they enjoy under the current law. Every senior in the Medicare Advantage Program deserves to keep these critical extra benefits, which include things such as dental protection, vision coverage, preventive and wellness services, flu shots, and much more.

In fact, most people who are not on Medicare Advantage in the Medicare Program have to buy supplemental insurance to get access to this coverage. Those in Medicare Advantage, which is one of the reasons it is such a popular program, have the opportunity to get it through their Medicaid services. Why is Medicare Advantage so opposed? Well, some say it is because of the extra costs, except that the extra costs in Medicare Advantage are returned to the government or shared with the beneficiaries. I think the reason might be because Medicare Advantage is one part of the Medicare Program that we have successfully been able to turn over to the private markets for operation. Interestingly, when the private sector gets involved in administering this part of the Medicare Program, the Medicare beneficiaries get more benefits, and it becomes the most popular program in Medicare.

I know my colleague from Pennsylvania, Senator CASEY, has filed an amendment to protect the 864,000 Medicare Advantage beneficiaries in his home State, and I would expect strong bipartisan support for the McCain motion to commit, since I think every Senator representing their constituents in their State wants to see this kind of protection. At the end, the McCain motion to commit is simply an amendment that will protect nearly 11 million seniors today enrolled in the Medicare Advantage Program and help to keep the President's promise when he said if you like what you have, you can keep it. If this bill is not amended in the way it is being proposed to be amended by Senator MCCAIN's amendment, 11 million Americans are not going to be able to keep what they have in the Medicare Program, and that is just a start on the impact of what people in America are going to see under this legislation in terms of a reduction of their benefits and the quality of services they have access to.

I urge my colleagues to support this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield myself the balance of the time.

AMENDMENT NO. 2962 TO AMENDMENT NO. 2786

Mr. President, I rise to speak in support of the Nelson amendment. We have been talking about the McCain amendment, which provides fairness for seniors who have Medicare Advantage so everybody across the country can have the same thing Florida is getting. But the critical amendment I wish to talk about is the Nelson amendment.

This amendment needs to be adopted if we truly want to prevent Federal dollars from being used to pay for abortions. I am asking my colleagues to support a Democratic amendment. This isn't a partisan issue; it is a human issue. Even if you are on the other side, I hope you can agree it is not right to force people to pay for a procedure they may find offensive to the core of their morality. This issue is very personal for many of us. It is for me.

When my wife Diana gave birth to our first child, Amy was 3 months premature. She weighed just 2 pounds and the doctor's advice was: Wait until morning and see if she lives. The doctors couldn't do anything to help this newborn baby. She survived the night.

The next day I took Amy to a hospital in Casper. An ambulance wasn't available so we went in a Thunderbird. It was in a huge blizzard, the same blizzard that prevented us to fly Amy to a hospital in Denver that specialized in that. But we took this car and went to the center of the State to the biggest hospital to get the best care we could find. We ran out of oxygen on the way because the snow slowed us. The highway patrol was looking for us, and they were looking for an ambulance. All along the way, we were watching every breath of that child.

We arrived at the hospital in Casper and put her in the care of doctors. There were several times when Diana and I went to the hospital and found her isolette with a shroud around it. We would knock on the window and the nurses would come and say: It is not looking good. We had to help her to breathe again or: Have you had your baby baptized? We did have Amy baptized a few minutes after birth, as she worked and struggled to live. Watching an infant fight with every fiber of her being, unquestionably showing the desire to live, even though they are only 6 months developed, is something that will show you the value of life. Amy survived and is now a teacher so gifted she teaches other teachers.

Amy's birth changed my whole outlook on life. It reminded me of the miracle of life and the respect we owe that miracle. The Reid bill, as it is currently, does not respect life. But the amendment before us will allow that respect to be given to every American who benefits from that bill.

On September 9, President Obama told a joint session of Congress: ''No Federal dollars will be used to fund abortions.'' I agree. No Federal dollars should ever be used to pay for abortions. To do otherwise would compel millions of taxpayers to pay for abortion procedures they oppose on moral or ethical grounds. Unfortunately, the Reid bill fails to meet that standard set by the President. Section 1303 of the bill provides the Secretary the authority to mandate and fund abortions.

Some have questioned exactly how this bill funds abortions. It is quite simple. The bill funds abortions through the government-run insurance option and through subsidies to individuals to help pay for the cost of private insurance. Both of these options are funded with Federal dollars. Under the community health insurance option, also known as the government-run plan, the Secretary of Health and Human Services could allow the plan to cover abortions. In addition, the new tax subsidies in the bill could also go to private plans that cover abortions. In both these cases, Federal subsidies would be paid to plans that cover abortion.

The Reid bill attempts to use budget gimmicks so its sponsors can argue that Federal funds will not pay for abortions. As the accountant in the Senate, I am not fooled by these gimmicks and neither should anyone else be. If the Reid bill is passed, Federal dollars will be used to pay for abortions.

Money is fungible. That is an interesting word. It means Federal dollars paid into a health plan could be shifted across accounts. We don't have a good accounting system for that. It can replace other spending and those dollars could then go to pay for abortions. There is no way to absolutely prevent Federal dollars from paying for abortions once they are paid to plans that cover abortions.

That is why Federal laws for the last 30 years have explicitly prohibited Federal funding going to such plans. That is right. It is already Federal law, although it comes in, in the appropriations bill, on an annual basis. Federal law currently prohibits funds going to pay for abortions under the Medicaid Program, under FEHBP—that is the program where we get our health insurance; it is the one that provides all the

health insurance for all Federal employees, the same choices of plans—and the TRICARE Program, which is for all our Active military and their families.

Current law recognizes the only way to actually prevent Federal funds from being used to pay for abortion is to offer the coverage of abortion in separate insurance plans and collect separate premiums to pay for that plan. This is what States who want to cover abortion for their Medicaid populations already do. As I said earlier, Medicaid is prohibited from using Federal dollars to pay for abortions. As a result, States set up separate plans and collect non-Federal dollars in separate accounts to pay for those services.

If anyone has any doubts about the impact of the Reid bill, I would point them to the comments made by the senior staff at the U.S. Conference of Catholic Bishops. The associate director, Richard Doerflinger, recently described the Reid bill as ''completely unacceptable'' and said it was the worst health reform bill they had seen so far on life issues.

It is probably worth it to note that the bishops have been longtime supporters of health care reform and covering the uninsured. Similarly, National Right to Life said the Reid bill ''seeks to cover elective abortions in two big new Federal health programs, but tries to conceal that unpopular reality with layers of contrived definitions and hollow bookkeeping requirements.''

There has also been some misinformation out there regarding this amendment, and I wish to take a minute to clear up a couple arguments used against the Nelson amendment. First, it does not prohibit individuals from purchasing abortion coverage with their own private dollars. When similar arguments were made during the House debate on the Stupak language, PolitiFact, a Pulitzer Prize-winning, fact-checking organization, concluded that such statements were false. The Nelson amendment only prohibits Federal funds from subsidizing those plans.

Some have argued the Nelson amendment could cause individuals to lose the abortion coverage they currently receive from their current health insurance plans. That also isn't accurate. I would urge everyone to read section 1251 of the bill. Section 1251 says, clearly and unequivocally, that:

> Nothing in this act or an amendment made to this act shall be construed to require that an individual terminate coverage under a group health plan or health insurance coverage in which such individual was enrolled at the date of the enactment of this act.

According to the sponsors of this bill, this section protects the ability of persons with existing insurance coverage to keep that same coverage. If section 1251 works as its authors describe it, this bill should make no changes to existing insurance plans that cover abortion and should allow individuals to keep the plans they have.

Some have also said this amendment would ban abortion procedures. That, too, is false. The amendment does not ban abortions; it simply prohibits Federal dollars from paying for abortions, which is consistent with the current law.

Many of my Democratic colleagues have argued during the debate that the health care we provide under this bill should be as good as the coverage given to Senators. If they believe that, they should all support applying the same rules regarding abortion coverage that apply to our own health plans. Federal employees' plans are prohibited from covering abortion—all Federal employees, not just Senators.

I will work hard to see that taxpayers are not compelled to fund abortion services. I believe those of us in elected office have a duty to work to safeguard the sanctity of human life, since the right to life was specifically named in the Declaration of Independence. By safeguarding our right to life, our government fulfills the most fundamental duty to the American people. When that right is violated, we violate our sacred trust with our Nation's citizens and the legacy we leave to future generations.

Regardless of what some people think, God doesn't make junk. He makes people in a variety of sizes, shapes, and abilities, and disabilities. There is a purpose even if we cannot understand it. I like the sign just outside Gillette. It says: ''If it's not a baby, you're not pregnant.''

I don't believe Federal funding should be used to pay for abortions, and I will work to ensure that it doesn't happen under this bill. I will vote in support of the Nelson amendment and encourage my colleagues to do the same to protect life and respect the miracle of life that I witnessed with the birth of my daughter Amy.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent for the following order: Boxer, 1 minute; Durbin, 5 minutes; Stabenow, 5 minutes; Shaheen, 5 minutes; Dodd, 5 minutes; Menendez, 5 minutes; and Baucus, 4 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I gave birth to two beautiful children, and I am proud to say that I have now four grandchildren—the light of my life. I am just here to say as a mother, as a grandmother, and as a Senator from California that I trust the women of this country. I don't want to tell the women of this country—or tell anybody else anything like this—that they can't buy insurance with their own private money to cover their whole range of legal reproductive health care. We don't do that to the men. We don't say they can't get any surgery if they might need it for their reproductive health care. We don't tell them they can't get certain drugs, under a pharmaceutical benefit, they may need for their reproductive health care. Imagine if the men in this Chamber had to fill out a form and get a rider for Viagra or Cialis and it was public. Forget about it. There would be a rage in this Chamber.

We are just saying treat women fairly. Treat women the same way you treat men. Let them have access to the full range of legal reproductive health care. That is all we are saying. Vote no on this amendment, the Nelson-Hatch amendment, because HARRY REID takes care of the firewall between private funds and Federal funds. We keep that firewall.

Is it OK if Senator DURBIN goes after Senator STABENOW?

Mr. DURBIN. Yes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I thank the Senator from California for her passionate advocacy and standing up for all of us, the women of this country. She is a mom, as she said. I, too, am a mom. As hard as it is for me to believe, I am also a grandmother with wonderful 2-year-old Lily and a little grandson Walter, who was born on his daddy's—my son's—birthday in August. Obviously, they are the light of my life, as well.

One of the reasons I feel so passionate about the broader bill on health care reform is that this is about extending coverage to babies so they can be born healthy, and about prenatal care; it is about making sure that in the new insurance exchange we have basic coverage for maternity care. I was shocked to learn that 60 percent of the insurance policies offered right now in the individual market don't offer maternity care as basic care. We happen to think that is incredibly important. We are 29th in the world in the number of babies—below Third World countries—that survive the first year of life. This health care reform bill is about making sure we have healthy babies, healthy moms, and it is about saving lives and moving forward in a way that is positive, expanding coverage, not taking away important coverage for women who, frankly, find themselves in a crisis situation.

That is what we are doing, unfortunately, through the Nelson-Hatch amendment. I have great respect for both of my colleagues who have offered this amendment, and for others who feel deeply about this issue. In the bill that has come before us, I think we respect all sides and keep in place the longstanding ban on Federal funding for abortion services, and no one is objecting to that. No one is trying to change that.

As my friends have said, this is about whether we cross that line into private insurance coverage—whether we say to a woman, to a family: You are going to have to decide whether, when you have a child and you are having a crisis in the third trimester and might need

some kind of crisis abortion services—whether you are going to find yourself in a situation where you are going to need abortion services, and you are going to have to publicly indicate that and buy a rider on insurance because you can't use your own money to buy an insurance policy.

Here is what we know now. We know five States have riders right now—Idaho, Kentucky, Oklahoma, Missouri, and North Dakota. There is no evidence there are any riders available in the individual market. So even though, technically, they say you can buy additional coverage, it is not offered or available. We are told by the insurance carriers that, in fact, it probably will not be available.

We all know what this is about. This is about effectively banning abortion services coverage in the new insurance exchange we are setting up, which could, in fact, have a broader implication of eliminating the coverage for health plans outside the exchanges. So that is what this is about, which is why it is so important.

Again, we are agreeing on the elimination or banning of Federal funding for abortions, other than extreme crises circumstances. We have done that in Federal law. This is about whether we go on to essentially create a situation where effectively people cannot get that coverage with their own money.

The Center for American Progress noted that because approximately 86 percent of the people who are going to be offered new opportunities for insurance—small businesses, individuals, in the private market—that because 86 percent of them will, in fact, receive some kind of tax credit or tax cut, in fact, again, we are talking about eliminating this option altogether because the majority of people will get some kind of a tax cut during this process.

I think there are also some broader implications around the tax policy. If we are saying that someone can't purchase an insurance policy of their liking if they are getting a tax credit to help with health insurance, the fact is, what about other tax credits? What about other kinds of ways in which people get tax credits or tax cuts today? The implications of this are extremely broad.

I urge a ''no'' vote. Let's keep Federal policy in place that doesn't allow Federal funding for abortion but respects the women of this country.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise in opposition to the Hatch-Nelson amendment. For 27 years, it has been my honor to serve in both the House and Senate. During that 27 years, the issue of abortion has been front and center as one of the most controversial and contentious issues we have faced. When I returned home to my congressional district, and now to the State, there have been many strong, heartfelt positions on this issue that are in conflict. Members of the Senate and House meet with people who have varying degrees of intensity on this issue all the time. We are not going to resolve this issue today with this amendment or this bill. We are going to do several things that I think are important.

What we set out to do in health care reform was honor the time-honored principles that we have now accepted. They are these: Abortion is a legal procedure since the Supreme Court case of Roe v. Wade. For over 30 years now, we have said no public funds can be used for an abortion but to save the life of a mother or in cases of rape or incest. We have said that no doctor or hospital will be compelled to perform an abortion procedure if it violates their conscience. Those are the three basic pillars of our abortion policy in this country.

Now comes this debate about health care reform and a question about whether, if we offer health insurance policies through an exchange that offers abortion services, and the people are paying for the premiums for those policies with a tax credit, whether we are indirectly somehow or another financing and supporting abortion. I argue that we are not. We find, on a daily basis, many instances where Federal funds go to a private entity, even a religious entity with clear guidelines that none of the Federal funds can be spent for religious or private purposes.

Organizations far and wide across America live within those bounds. They keep their books clean, and they account for the money received, and no questions are asked. The audits show that they followed the guidelines. This bill before us strictly follows these guidelines, as well. No Federal funds shall be used for any abortion procedure in an insurance policy. It has to be privately funded.

I want to step back and make a slightly different argument too. There are those who have said in the House and in the Senate that unless the Stupak language in the House is adopted, they would seriously consider voting against health care reform. I argue to them that is a wrong position to take if they are opposed to abortion because the health care reform bill before us dramatically expands health care coverage.

Today, there are 17 million women of reproductive age in America who are uninsured. This bill will expand health insurance coverage to the vast majority of them, which means millions more women will have access to affordable birth control and other contraceptive services. This expanded access will reduce unintended pregnancies and reduce abortions. So the family planning aspect of our health care reform will actually net fewer abortions in America—we know this because of the history of the issue—as more women have access to family planning. So those who argue that they either have this amendment or they will vote against health care reform should reflect on the fact that there will be fewer abortions in America with these health care services.

Senator MIKULSKI, in the first amendment we adopted, provided for more preventive services for women across the board. Those services, I believe, would result in more counseling, more contraception, and fewer unintended pregnancies. That is a reality. Every Federal dollar that we spend on family planning saves $3 in Medicaid costs. In 1972, we established a special matching rate of 90 percent for family planning services in Medicaid. Across the board, we know this money, well spent to allow women to decide their own reproductive fate, means there are fewer unintended pregnancies.

I argue that whether your position is for or against abortion, if you believe there should be fewer abortions, you want this health care reform bill to pass—with or without the Stupak amendment. I think that the Stupak amendment goes too far, and I think we have come up with a reasonable alternative that adheres to the three pillars I mentioned earlier on abortion policy in America, and it sets up reasonable accounting on these insurance policies. I think this language in the bill is the right way to move to lessen the number of abortions in America and stay consistent with the basic principles that guide us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend my colleague from Illinois, the Democratic whip of the Senate, for his arguments. He speaks for me when he identifies the pillars of our views on this issue.

I was elected to the House of Representatives in 1974, 2 years after Roe v. Wade, and I have been in Congress now for 35 years. We have lived with those guidelines since then. I know it has not resolved the matter for many people. But it has served us well.

What we have in this bill is a reflection of a continuation of those pillars. Having been the acting chair of the Health, Education, Labor, and Pensions Committee during the markup of the bill—in fact, Senator Kennedy voted by proxy, as they call it in that process—we insisted upon the adoption of a Kennedy amendment that maintained the notion of conscience in these matters. So we would not be forcing individuals to engage in abortion practices if they felt otherwise.

We have long held the view in this Congress, under Democratic and Republican leadership, despite the differences—others have different views on this matter—that clearly public money should not be used. Despite the arguments to the contrary, we have done that again with this bill.

The Senator from Illinois made a point about the measures in the bill that deal with wellness and reproductive rights. We minimize the likelihood of there being a demand for abortion on the part of many.

I appreciate the fact that our leadership has made this matter, the Nelson-Hatch amendment, a matter of conscience. There is no caucus position on this amendment. There never has been and nor should there be, in my view, given the nature of this debate.

I want to mention another argument we fail to understand here, in addition to the eloquent ones made by the Senator from Illinois. We rank 29th in infant mortality in the United States. It is an incredible statistic when you consider the wealth of our Nation. I worked on legislation with our colleague, LAMAR ALEXANDER, on infant births, prescreening, trying to provide resources and help for families with infants who suffer these debilitative and fatal problems.

This legislation takes a major step forward in taking the United States out of the basement when it comes to infant mortality and gets us back to where we ought to be in reducing the tragedy that occurs in infant mortality.

There is a distinction, clearly, between abortion and infant mortality. But this legislation takes a major step in improving quality of life, assisting children who arrive prematurely, as many do in our country today, and many do not survive that prematurity. Today many women are not getting the kind of support they need during their pregnancy, thus increasing the likelihood of premature births occurring, or not getting the screenings that need to occur immediately so you can avoid the terrible problems that can ensue thereafter. This legislation takes a major step in that direction.

While we have done what is necessary for us to do, that is, protect the longstanding distinction between public and private dollars when it comes to abortion, we also have gone so much further. This bill provides support for families when it comes to minimizing the likelihood a child will be lost because they are not getting support services, as well as providing the reproductive services that will assist women during their pregnancies.

My colleagues know I am a late bloomer. I am a parent of a 4-year-old and an 8-year-old. My colleagues talk about being grandparents. I always said I was the only candidate in the country who used to get mail from AARP and diaper services at the same time, having qualified for Medicare and also being a parent of infant children, two little girls, Grace and Christina. I want them to grow up having all the rights of young women in this country. I am hopeful that one day I may even be around to be a grandparent. We fought very hard to make sure those children were going to get the protections they could during my wife's pregnancies, to see to it they would be born healthy and sound. I have a great health care plan, as a Federal employee, to make sure that will happen. I want every American to have that same sense of security when that blessing occurs with the arrival of a child or grandchild. This bill does that.

For all of those reasons, this amendment ought to be defeated. This bill ought to be supported and achieve a great success for our fellow citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I rise today to speak in opposition to the Nelson-Hatch amendment.

The Patient Protection and Affordable Care Act we have before us does so many good things. It gives women access to preventive care. It makes health care more accessible to families across the country. It changes the way patients receive the care they need. We must not let the issue of reproductive choice overshadow all of the things this bill gets right.

For over three decades, the Hyde amendment, which prohibits the use of Federal funds to pay for abortions except in cases of rape, incest, or if the life of the mother is at risk, has been the law of this land. Abortion should play no role in this health care debate. The Finance and HELP Committees spent countless hours drafting legislation that is part of the language in our health care bill to make sure it remains neutral on the issue of choice.

The Patient Protection and Affordable Care Act that is currently before us maintains the Hyde amendment prohibiting Federal funding of abortions. As a result, neither the pro-choice nor the pro-life agendas are advanced.

This is clearly explained in an analysis done by the nonpartisan Congressional Research Service. I ask unanimous consent to have printed in the RECORD this analysis.

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

NOVEMBER 30, 2009.

MEMORANDUM

To: Hon. Jeanne Shaheen.

From: Jon O. Shimabukuro, Legislative Attorney, American Law Division, Congressional Research Service.

Subject: Abortion and the Patient Protection and Affordable Care Act.

This memorandum responds to your request concerning abortion and the Patient Protection and Affordable Care Act. The measure was proposed by Senator Harry Reid on November 21, 2009 as an amendment in the nature of a substitute for H.R. 3590, the Service Members Home Ownership Tax Act of 2009. You asked several questions about the Patient Protection and Affordable Care Act and the use of federal funds to pay for abortion services. This memorandum addresses those questions.

1. ''Does the Senate's Patient Protection and Affordable Care Act prohibit affordability and cost-sharing credits from paying for abortions beyond those permitted by the most recent appropriation for the Department of Health and Human Services?''

Division F of the Omnibus Appropriations Act, 2009, provides appropriations for the Departments of Labor, Health and Human Services, Education, and Related Agencies for FY2009. Section 507, included within Division F, prohibits generally the use of appropriated funds to pay for abortions:

(a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

This restriction on the use of appropriated funds to pay for abortions is commonly referred to as the ''Hyde Amendment.'' In 1976, Rep. Henry J. Hyde offered an amendment to the Departments of Labor and Health, Education, and Welfare, Appropriation Act, 1977, that restricted the use of appropriated funds to pay for abortions provided through the Medicaid program.

An exception to the general prohibition on using appropriated funds for abortions is provided in section 508(a) of the omnibus measure:

The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

In other words, funds appropriated to the Department of Health and Human Services (''HHS'') for FY2009 could be used to pay for an abortion if a pregnancy is the result of an act of rape or incest, or if a woman's life would be endangered if an abortion were not performed. Appropriated funds remain unavailable, however, for elective abortions.

Under the Senate measure, the issuer of a qualified health plan would determine whether or not the plan provides coverage for either elective abortions or abortions for which the expenditure of federal funds appropriated for HHS is permitted. If a qualified health plan decides to provide coverage for elective abortions, it could not use any amount attributable to a premium assistance credit or any cost-sharing reduction to pay for such services. The community health insurance option established by the Senate measure would be similarly restricted. H.R. 3590 would allow coverage for elective abortions by the community health insurance option, but amounts attributable to a premium assistance credit or cost-sharing reduction could not be used to pay for such abortions.

2. ''Does the Senate's Patient Protection and Affordable Care Act ensure that the community health insurance option does not use federal funds to pay for abortions beyond those permitted by the most recent appropriation for the Department of Health and Human Services?''

The Senate measure would allow coverage for elective abortions by the community health insurance option, but amounts attributable to a premium assistance credit or cost-sharing reduction could not be used to pay for such abortions.

3. ''Under current law, the Weldon Amendment prohibits Federal agencies or programs and State or local governments who [sic] receive certain federal funds from discriminating against certain health care entities, including individuals and facilities, that are unwilling to provide, pay for, provide coverage of, or refer for abortions. Does the Senate's Patient Protection and Affordable Care Act offer an additional, new conscience protection for individual health care providers

and facilities that are unwilling to provide, pay for, provide coverage of, or refer for abortions?''

Under the Senate measure, individual health care providers and health care facilities could not be discriminated against because of a willingness or unwillingness to provide, pay for, provide coverage of, or refer for abortions, if their decisions are based on their religious or moral beliefs. Section 1303(a)(3) of the Senate measure states: ''No individual health care provider or health care facility may be discriminated against because of a willingness or an unwillingness, if doing so is contrary to the religious or moral beliefs of the provider or facility, to provide, pay for, provide coverage of, or refer for abortions.''

4. ''Does the Senate's Patient Protection and Affordable Care Act ensure that there is a health plan available in every exchange that does not cover abortion beyond those permitted by the most recent appropriation for the Department of Health and Human Services?''

The Senate measure would require the Secretary of HHS to ensure that in any health insurance exchange (''Exchange''), at least one qualified health plan does not provide coverage for abortions for which the expenditure of federal funds appropriated for HHS is not permitted. If a state has one Exchange that covers more than one insurance market, the Secretary would be required to provide the aforementioned assurance with respect to each market.

Mrs. SHAHEEN. Mr. President, the health reform legislation before us preserves the Hyde language and maintains the status quo in this country. We should keep it so. This should be a debate about health care. It should be about patients and about ensuring they have access to quality care at all stages of their lives, regardless of what may happen in their lives. It is a mistake to make this debate one about abortion.

The amendment that is before us, the Nelson-Hatch amendment, would restrict any health plan operating in the exchange that accepts affordability credits from offering abortion services. In essence, the amendment before us would amount to a ban on abortion coverage in the health insurance exchange regardless of where the money comes from. Put another way, a woman who pays for insurance with money out of her own pocket would most likely not be able to get insurance that covers abortion.

Make no mistake about it, this amendment is much more than a debate on whether Federal funds should be used for abortion, which is already established law. It is established law that is maintained in the Patient Protection and Affordable Care Act before us.

The Nelson-Hatch amendment is a very far-reaching intrusion into the lives of women in how we would get private insurance. It is unprecedented, and it would mean millions of women would lose coverage they currently have.

It is true, as we have heard from those people who support this amendment, that a woman would be able to buy an abortion rider. What we heard from Senator STABENOW and what we have seen from the National Women's Law Center shows us that in the five States that do require such a rider, there is no evidence that such plans exist. And even if they did exist, who would purchase that kind of a rider? No woman expects to need an abortion. This is not something you go into planning ahead of time.

Finally, this amendment would have effects that reach well into the private insurance market. An independent analysis by the School of Public Health and Health Services at George Washington University concluded that a similar amendment adopted in the House—what is commonly known as the Stupak amendment—will have an ''industry-wide effect,'' eliminating coverage of medically indicated abortions over time for all women.'' That means any type of abortion for which there is a medical indication of need would go uncovered.

I ask unanimous consent that ''Introduction and Results in Brief'' of the George Washington University analysis be printed in the RECORD.

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

AN ANALYSIS OF THE IMPLICATIONS OF THE STUPAK/PITTS AMENDMENT FOR COVERAGE OF MEDICALLY INDICATED ABORTIONS

(By Sara Rosenbaum, Lara Cartwright-Smith, Ross Margulies, Susan Wood, D. Richard Mauery)

INTRODUCTION AND RESULTS IN BRIEF

This analysis examines the implications for coverage of medically indicated abortions under the Stupak/Pitts Amendment (Stupak/Pitts) to H.R. 3962, the Affordable Health Care for America Act. In this analysis we focus on the Amendment's implications for the health benefit services industry as a whole. We also consider the Amendment's implications for the growth of a market for public or private supplemental coverage of medically indicated abortions. Finally, we examine the issues that may arise as insurers attempt to implement coverage determinations in which abortion may be a consequence of a condition, rather than the primary basis of treatment.

Industry-wide impact that will shift the standard of coverage for medically indicated abortions for all women: In view of how the health benefit services industry operates and how insurance product design responds to broad regulatory intervention aimed at reshaping product content, we conclude that the treatment exclusions required under the Stupak/Pitts Amendment will have an industry-wide effect, eliminating coverage of medically indicated abortions over time for all women, not only those whose coverage is derived through a health insurance exchange. As a result, Stupak/Pitts can be expected to move the industry away from current norms of coverage for medically indicated abortions. In combination with the Hyde Amendment, Stupak/Pitts will impose a coverage exclusion for medically indicated abortions on such a widespread basis that the health benefit services industry can be expected to recalibrate product design downward across the board in order to accommodate the exclusion in selected markets.

Supplemental insurance coverage for medically indicated abortions: In our view, the terms and impact of the Amendment will work to defeat the development of a supplemental coverage market for medically indicated abortions. In any supplemental coverage arrangement, it is essential that the supplemental coverage be administered in conjunction with basic coverage. This intertwined administration approach is barred under Stupak/Pitts because of the prohibition against financial commingling. This bar is in addition to the challenges inherent in administering any supplemental policy. These challenges would be magnified in the case of medically indicated abortions because, given the relatively low number of medically indicated abortions, the coverage supplement would apply to only a handful of procedures for a handful of conditions. Furthermore, the House legislation contains no direct economic incentive to create such a market. Indeed, it is not clear how such a market even would be regulated or whether it would be subject to the requirements that apply to all products offered inside the exchange. Finally, because supplemental coverage must of necessity commingle funds with basic coverage, the impact of Stupak/Pitts on states' ability to offer supplemental Medicaid coverage to women insured through a subsidized exchange plan is in doubt.

Spillover effects as a result of administration of Stupak/Pitts. The administration of any coverage exclusion raises a risk that, in applying the exclusion, a plan administrator will deny coverage not only for the excluded treatment but also for related treatments that are intertwined with the exclusion. The risk of such improper denials in high risk and costly cases is great in the case of the Stupak/Pitts Amendment, which, like the Hyde Amendment, distinguishes between life-threatening physical conditions and conditions in which health is threatened. Unlike Medicaid agencies, however, the private health benefit services industry has no experience with this distinction. The danger is around coverage denials in cases in which an abortion is the result of a serious health condition rather than the direct presenting treatment.

The remainder of this analysis examines these issues in greater detail.

OVERVIEW OF CURRENT FEDERAL LAW

1. The Hyde Amendment and Medicaid

The Hyde Amendment has been part of each HHS-related appropriation since FY 1977. As set forth in the most recent annual Labor/HHS federal appropriations legislation, the Hyde Amendment provides in pertinent part as follows:

Sec. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Sec. 508. (a) The limitation established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

Mrs. SHAHEEN. When we pass this legislation that will reform our health care system, it should not be done in a way that would lose benefits for

women. All women should have access to comprehensive health care, including reproductive health care, from the provider of their choice.

I urge my colleagues to oppose any amendment that threatens reproductive care that women have counted on for over 30 years.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, health care reform legislation we are considering is good for America, it is good for women and for families. It is a health care reform bill; it is not an abortion bill. In fact, not a dime of taxpayers' money goes to subsidize abortion coverage in this bill. It is, in fact, abortion neutral.

This amendment, however, would change that. It would roll back the clock on a woman's right to choose. It unfairly singles women out and takes away benefits they already have. It singles out our daughters and legislates limits on their reproductive health, their reproductive rights. If we were to do the same to men, if we were to single out men's reproductive health in this legislation, imagine the outcry. Imagine if men were denied access to certain procedures. Imagine if they were denied access to certain prescription drugs. Imagine if the majority had to suffer the decision of the minority. But that is exactly what we are being asked to do to our daughters with this amendment—rolling back the hands of time. I personally find that offensive, as do women across this country.

The language of this bill has been carefully negotiated to ensure that we are preserving a woman's right to choose but doing so without Federal funding. To claim otherwise is hypocritical and misleading.

We need not fight all battles that have nothing to do with the real issue at hand—that millions of Americans do not have health insurance and many are being forced into debt to buy coverage that insurers later deny. But now, instead, we are not only reopening long-settled debates over this issue, we are actually faced with a proposal that would turn back the clock and deny women access to reproductive health care. It is the wrong debate at the wrong time.

Over the years, we have made extraordinary progress in addressing women's reproductive rights. We have debated this issue in the Senate. We have debated it in our churches, in our homes, in our communities, and in the U.S. Supreme Court that has said a woman's right to choose is the law of the land. Let's not turn back the clock.

I respect the deeply held views of my friend from Nebraska and the deeply held views of my friend from Utah. I know we will debate the issue many times in many forums. They will raise their voices in protest of a woman's right to choose, as I will raise mine to protect it. But this is neither the time nor the legislative vehicle for hot-button politics to get in the way of badly needed health care reform.

The language in this bill is clear: It preserves a woman's reproductive rights without any taxpayer funding. Yet we are engaged in a debate in which we are basically being told that neutrality is not good enough; that there needs to be an antichoice bill, not a health care reform bill; that neutrality on the issue is not acceptable; that only effectively banning abortion is acceptable. We are not going to be dragged down that road, and the women of this country will not stand for it. Certainly, this Senator will not either.

The sponsors claim the amendment simply reinforces existing law restricting Federal funding of abortion coverage. Let's be very clear: There is no taxpayer money going to a woman's reproductive choices—none—and to say otherwise is simply wrong.

The fact is, this amendment that clearly takes us back in time would leave our daughters with the same hopeless lack of options their grandmothers faced, and that is not where we ought to be.

This amendment would make it virtually impossible for insurance plans in the exchange to offer abortion coverage even if a woman were to pay premiums entirely out of her own pocket. It would do so by forbidding any plan that includes abortion coverage from accepting even one subsidized customer.

This amendment is nothing more than a backdoor effort to restrict rights women already have. Would I like to see it clearly stated in this legislation that a woman should have a right to choose and all aspects of her reproductive health should be available under every plan? Yes, I would. But am I willing to accept neutrality as a reasonable compromise for the sake of passage of a bill that will provide affordable, accessible health care to every American and not spend a dime of taxpayers' money on women's reproductive choices? I will.

Under this bill, if a plan chooses to provide abortion coverage, only private funds can go toward that care. That is further than I would like to go, but it is neutrality. In this bill, in each State exchange, there would be at least one plan that covers abortion and one plan that does not. That is neutrality. It is fair. Let's accept it and move on.

Under this legislation, women will keep their fundamental right to reproductive health benefits and gain other benefits.

The PRESIDING OFFICER. The Senator has spoken for 5 minutes.

Mr. MENENDEZ. That is what we should do in terms of the underlying bill. Let's vote down this amendment. Let's not turn back the clock.

Mrs. BOXER. Mr. President, I ask unanimous consent that in lieu of Senator BAUCUS's 4 minutes, Senator CASEY take that time.

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

The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I rise in support of the Nelson amendment for two reasons, and I speak for myself, not for other Members of the Senate. Obviously, I know there is a good bit of disagreement on both sides and even within both sides of the aisle.

But I support this amendment for two reasons. One, I wish to make sure we ensure, through this health care legislation, the consensus we have had as part of our public policy for many years now—that taxpayer dollars don't pay for abortions. I believe we can and should and will get this right by the end of this debate.

The second reason I support this is, I believe it is important to respect the conscience of taxpayers, both women and men across the country, who don't want taxpayer dollars going to support abortions. If there is one or maybe two areas where both sides can agree—people who are pro-life and pro-choice—it is on these basic principles: No. 1, we don't want to take actions to increase the number of abortions in America. I think that is the prevailing view across the divide of this issue. No. 2, we also have to do more to help those women who are pregnant, and I don't believe we are doing enough. We will talk more about that later. Even as we debate this amendment, the third thing I think we can agree on is, no matter what happens on this vote—and this debate will continue, even in the context of this bill—I believe we have to pass health care legislation this year.

There are all kinds of consumer protections in this bill that will help men and women—prevention services that have never been part of our health care system before, insurance reforms to protect families and, finally, the kind of security we are going to get by passing health care legislation for the American people. I believe we can get this decisive issue correct in this bill. We are not there yet, but I believe we can. I believe we must pass health care legislation this month through the Senate and then, from there, get it enacted into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before we turn this over to the Republican side, I ask unanimous consent to have printed in the RECORD a letter from religious leaders who support maintaining the underlying bill and who oppose this amendment, and they are: Catholics for Choice, Disciples Justice Action Center, The Episcopal Church, Jewish Women International, Presbyterian Church Washington Office, Religious Coalition for Reproductive Choice, Union of Reform Judaism, United Church of Christ, Justice and Witness Ministries, United Methodist Church-General Board of Church and Society, Unitarian Universalist Association of Congregations.

We are proud to have their support for our position.

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

RELIGIOUS LEADERS SUPPORT MAINTAINING THE STATUS QUO ON ABORTION IN HEALTH CARE REFORM

The undersigned religious and religiously affiliated organizations urge the Senate to support comprehensive, quality health care reform that maintains the current Senate language on abortion services.

We believe that it is our social and moral obligation to ensure access to high quality comprehensive health care services at every stage in an individual's life. Reforming the health care system in a way that guarantees affordable and accessible care for all is not simply a good idea—it is necessary for the well-being of all people in our nation.

The passage of meaningful health reform legislation will make significant strides toward accomplishing the important goal of access to health care for all. Unfortunately, the House-passed version of health reform includes language that imposes significant new restrictions on access to abortion services. This provision would result in women losing health coverage they currently have, an unfortunate contradiction to the basic guiding principle of health care reform. Providing affordable, accessible health care to all Americans is a moral imperative that unites Americans of many faith traditions. The selective withdrawal of critical health coverage from women is both a violation of this imperative and a betrayal of the public good.

The use of this legislation to advance new restrictions on abortion services that surpass those in current law will serve only to derail this important bill. The Senate bill is already abortion neutral, an appropriate reflection of the fact that it is intended to serve Americans of many diverse religious and moral views. The bill includes compromise language that maintains current law, prohibiting federal funds from being used to pay for abortion services, while still allowing women the option to use their own private funds to pay for abortion care. American families should have the opportunity to choose health coverage that reflects their own values and medical needs, a principle that should not be sacrificed in service of any political agenda.

We urge the Senate to support meaningful health reform that maintains the compromise language on abortion services currently in the bill.

Respectfully,

Catholics for Choice, Disciples Justice Action Center, The Episcopal Church, Jewish Women International, NA'AMAT USA, National Council of Jewish Women, Presbyterian Church (U.S.A.) Washington Office, Religious Coalition for Reproductive Choice, The Religious Institute, Union of Reform Judaism, United Church of Christ, Justice and Witness Ministries, United Methodist Church—General Board of Church and Society, Unitarian Universalist Association of Congregations.

Mrs. BOXER. I thank the Chair.

Mr. ENZI. Mr. President, I assume that added a few additional minutes to our time as well.

I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNS. Mr. President, let me start my remarks today, if I could, by offering my words of support and commendation to Senators NELSON and HATCH for offering this amendment. They have long been champions of the pro-life cause, and I applaud them for putting the time and effort into this amendment to get it right, bringing it to the floor, and offering it. I am very proud to stand here today as a cosponsor of this legislation.

Fundamentally, this legislation is simply about doing the right thing. It ensures that current Federal law is upheld. In its most basic form, it says taxpayer dollars are not going to be used, directly or indirectly, to finance elective abortions. In fact, this has been the law of our country now dating back three decades.

Basically, this amendment applies the Hyde amendment to the health care reform bill. It bars Federal funding for abortion, except in the case of rape, incest, or to protect the life of the mother. The Hyde amendment—as we have heard so many times during this debate—finds its genesis in 1977. The language in the Nelson-Hatch amendment is virtually identical to the Stupak language that was included in the House bill, where 240 Representatives in the House supported it and it passed on a vote of 240 to 194.

The Stupak language very clearly prohibits Federal funding of abortions. It says this: No. 1, the government-run plan cannot cover abortions. That seems very straightforward. No. 2, Americans who receive a subsidy cannot use it to buy health insurance that covers abortion. No. 3, the Federal Government cannot mandate abortion coverage by private providers or plans. Then, finally, No. 4, as has been the case for 30 years, private insurance plans may cover abortion, and individuals may purchase a plan that covers it, but taxpayer dollars cannot be in the mix to purchase that.

Compare that to what is in the current Senate bill. The government-run plan can cover abortion. Americans who receive a subsidy can use it to buy a health insurance policy that covers abortion. The Federal Government can and does mandate abortion coverage by at least one provider or plan. There is a stipulation in the current bill that requires the Health and Human Services Secretary to assure the segregation of funds, the tax credit/Federal dollars can't be used.

But the reality is, it is akin to saying: Here, put those Federal dollars in your left pocket. When you are purchasing the abortion coverage, make sure it is your right hand that is reaching into your right pocket. How do you segregate those funds? It is impossible. What it does is to simply erase the line between taxpayer dollars and funding of abortions.

Quoting the National Right to Life:

Senator Reid included in his substitute bill language that some have claimed would preserve the principles of the Hyde Amendment. Such claims are highly misleading. In reality, the Reid language explicitly authorizes direct funding of elective abortion by a Federal Government program.

Well, I feel very strongly we must ensure that Federal dollars are not used to fund abortions directly or indirectly. Health care reform, under the Reid language, has become a vehicle for changing the current law of the land regarding abortion coverage. Here is what some of my constituents have said to me, and I am quoting from a gentleman in Kearney:

It is time to make sure that abortion is explicitly prohibited by any language that may be put forward.

Another Nebraskan said to me:

I know that the pro-life issue is not the only component of the Healthcare bill to consider, but it is probably the most important issue of concern that I have in this bill. Abortion is not health care.

From central Nebraska I heard this:

I'm taking a minute to send a note to say ''thank you'' for standing up for life. Life is precious, whether you are just conceived or over 100 years of age.

Pro-life groups across the board support this amendment—the National Right to Life, Catholic Bishops, Family Research Council, and others. They represent millions of Americans. But the reality is, Americans support this.

In a recent CNN survey, we confirm that 6 in 10 Americans favor a ban on the use of Federal funds for abortion. A recent Washington Post-ABC News poll indicates 65 percent of adults believe private insurance plans paid for with government assistance should not include coverage of abortion.

I was in McCook, NE, a while back, doing a townhall meeting in August. After everybody had left, a gentleman came up to me. He told me something about that I will remember all the years I am in the Senate. First, he spoke about his faith, and then he said: I hope you understand, Senator, I cannot, under any circumstances, agree to anything that would allow my taxpayer dollars, either directly or indirectly, to fund abortions. He said: I cannot go there. He said: Please, do everything you can to stop this from happening.

Today, I stand with that gentleman from McCook, NE, to say we have to stop this.

I applaud my colleague from Nebraska, and I wish to end my comments with this. Senator NELSON stood on this issue and in a recent interview he said this:

I have said at the end of the day, if it doesn't have the Stupak language on abortion in it, I won't vote to move it off the floor.

I think that is a courageous statement. I do not mind standing here and saying I am very pleased to associate myself with Senator NELSON and Senator HATCH on this important amendment.

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

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. JOHANNS. I yield my 2 minutes 45 seconds to Senator HATCH when he speaks. I yield the floor.

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

Mr. GRASSLEY. Mr. President, I yield 10 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate this very much. It has been a healthy debate, a big debate, and it is an unusual debate because we haven't debated Hyde around here for 20 years. So this is an unusual debate we are having. Normally, we debate about abortion but not about abortion funding because there has been an agreement in this body for 33 years about that. So this is an unusual debate, but I think it is an important one.

I think it is extraneous, in many respects, to the health care bill itself. Abortion is not health care, and so why we are debating the funding of abortion in a health care bill seems odd to me. But it is in the base bill, and we need to deal with that.

A lot of people are coming forward and saying: Well, OK, which way is this; is it in the bill or not on funding for abortion? I am going to go to an independent fact checker and cite this. This is an independent research and prize-winning fact checker, PolitiFact.com, and they say our opponents' characterization of this amendment was ''misleading'' and that ''the people who would truly pay all their premium with their own money, and who would not use Federal subsidies at all, not barred in any way from obtaining abortion coverage, even if they obtain their insurance from the federally administered health exchange.''

That is an independent group, PolitiFact.com, saying this doesn't limit the ability for somebody on their own to be able to purchase abortion coverage, if they want to do that, but in the base bill, what we are saying is we don't want to put Federal funds in it as the longstanding policy has been here.

As the President himself has said when he spoke to a joint session of Congress, launching the health care debate:

> One more misunderstanding I want to clear up—under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place.

Unfortunately, in the Reid bill, this is not true. This is not true in the Reid bill. What is in the Reid bill is the so-called Capps amendment language, which allows for the Federal funding of abortion.

I wish to describe—and I think a great deal of what is in here has been described, but what is taking place is the Federal subsidization of an insurance program that will have abortion funding in it. According to most groups, that is what is taking place in the Capps language, which is in the base Reid bill.

I say this is an unusual debate that is taking place because we haven't debated Hyde for years around here. I wish to read to you what is our normal status on funding of abortions; that is, that we don't do Federal funding of abortions. I will read to you what the normal status is. The U.S. Conference of Catholic Bishops, which supports this base bill but does not support funding of abortions, describes it this way:

> In every major federal program where federal funds combined with nonfederal funds to support or purchase health coverage, Congress has consistently sought to ensure that the entire package of benefits excludes elective abortions. For example, the Hyde amendment governing Medicaid prevents the funding of such abortions not only using federal funds themselves, but also using the state matching funds that combine with the federal funds to subsidize the coverage. A similar amendment excludes elective abortions from all plans offered under the Federal Employees Health Benefits Program, where private premiums are supplemented by a federal subsidy.

So there it is prohibited as well.

> Where relevant, such provisions also specify that federal funds may not be used to help pay the administrative expenses of a benefits package that includes abortions. Under this policy, those wishing to use state or private funds to purchase abortion coverage must do so completely separately from the plan that is purchased in whole or in part with federal financial assistance.

Here I take a quick aside. That is what we are saying should be done in this bill, but it is not what is done in this bill.

Going on:

> This is the policy that health care reform legislation must follow if it is to comply with the legal status quo on federal funding of abortion coverage. All of the five health care reform bills approved in the 111th Congress violate this policy.

This is from a group, the United States Conference of Catholic Bishops, that supports health care reform but not the abortion funding in it. They say as well that this fails in the Reid bill, that there is explicit funding for abortion in this bill.

I thank my colleagues, particularly on the other side of the aisle, Senators NELSON and CASEY, for being major cosponsors of this amendment. They are the ones who look at this and say: I don't want this in the base bill. This should not be in the base bill. It doesn't belong in the base bill. The language should be different.

I also wish to note that most people across the country don't want this in the base bill. A majority of the country is opposed to the bill overall. They don't think this is the way we should go. They think it is the wrong way. But even people who support the bill itself by and large don't want Federal funding for abortion to be in this bill.

A Pew poll even showed that 46 percent of people who support health care reform want to see the radical abortion language removed, the Capps language in the Reid bill, and all pro-choice Republicans and several pro-choice Democrats supported the measure in the House that put Stupak language in that removed the Federal funding for abortion. The American people feel this way because they know that forcing Federal funding of abortion is fiscally irresponsible and morally indefensible. Those are the two central pieces we are discussing, the fiscal responsibility or irresponsibility of this and the moral indefensibility. At a time of hemorrhaging debt, the Federal Government being supportive and funding elective abortions flies in the face of trying to restrain or bend the cost curve down in this legislation. That is not us being fiscally responsible.

I have shown this chart before, but I think it is so striking. Back when we did do funding for abortions, we funded about 300,000 a year. How is that extra funding going to help us be more fiscally responsible? That is why a majority of the people, pro-life and pro-choice, are saying the Federal Government should not be funding this. I don't believe that is fiscally responsible. And it is morally indefensible.

Whether you are pro-choice or pro-life, we are having 300,000 children who are not going to be here that we are funding the elimination of. Under anybody's definition of looking at that, they would say that is morally indefensible for the Federal Government that has long debated abortion policy, has not debated abortion funding, that that is morally indefensible for us to do something along that line.

There are many issues to debate but thankfully Hyde has not been one of them we have been debating until now. I say to my colleagues the admonition we have had many times, whether you choose this day life or death, blessing or curse, why wouldn't we choose the life route on this one? Even if you have a close call or you are questioning this, why wouldn't we choose the route that says: I am not going to fund 300,000 abortions. I want abortion to be safe, legal and rare, as some people in this body, but that is not rare, 300,000. Why wouldn't we choose the life route that says this is a controversial issue sometime way in the past, not recently. We don't fund these things. So many people in America don't want their money used to pay for abortions. Yet in this base Reid bill, it is there. I urge my colleagues to vote in favor of the Nelson-Hatch-Casey amendment that puts into Hyde language that is the status quo that there is not taxpayer funding going toward abortion and to reject those who would put the Reid language forward that would take us back decades to an era when we did fund abortion procedures.

I yield the floor.

Ms. SNOWE. Mr. President, I rise today to voice my opposition to the Nelson-Hatch amendment. In deliberating how to construct a fair equitable solution to such a divisive question, the one thing that our Group of 6 agreed on during our meetings prior to the markup of legislation in the Finance Committee was that we wanted to remain neutral and preserve the status quo.

I am pleased that Majority Leader REID chose to reflect the Finance Committee's work because I believe that we

achieved that careful balance. Federal funds continue to be prohibited being used to pay for abortions unless the pregnancy is due to rape, incest or if the life of the mother is in danger. Health plans that choose to cover abortion care must demonstrate that no tax credits or cost-sharing credits are used to pay for abortion care.

The Finance Committee adopted this solution primarily because the policy of separating Federal dollars from private dollars has been achieved in other instances and there is a precedent for that approach. Today, 17 States cover abortion beyond the Hyde limitations with State-only dollars in their Medicaid Programs. States and hospitals, which in no way want to risk their eligibility for Medicaid funding, use separate billing codes for abortions that are allowable under the Hyde amendment, and those that are not. And let me emphasize, there have never been any violations among the States in this regard. Moreover, a similar approach has also been taken with Title X family planning funds and the United Nations Population Fund. We ought to hew to current law and what we know already works.

Yet some want to prohibit women from using their own money—beyond taxpayer dollars—towards purchasing a plan in the exchange that covers abortion or limit coverage only through a supplemental policy. I have strong reservations about taking such an approach.

Under the Nelson-Hatch amendment, a woman must try to predict whether or not she will require that coverage. This is an unfair proposition. Half of all pregnancies in this country are unplanned and most women do not anticipate the necessity for abortion coverage. Furthermore, in most cases, women already have that coverage. Today, between 47 and 80 percent of private plans cover abortion services. So for a middle income woman who already purchases coverage in the individual market and could now receive a subsidy, let me be clear about the effect this change would have. This would take away coverage she currently has essentially creating a two tiered system for women who don't have coverage through their employer and instead receive it through the exchange. That is fundamentally wrong, and it is patently unfair.

And the fact is, over time, more and more individuals will receive coverage through the exchange, which means that the number of women who will confront these restrictions will grow. Not only that but this amendment threatens to reach even further than the exchange. According to a study by the George Washington University School of Public Health that reviewed the Stupak/Pitts provisions from the House ''the size of the new market is large enough so that Stupak/Pitts can be expected to alter the 'default' customs and practices that guide the health benefits industry as a whole, leading it to drop coverage in all markets in order to meet the lowest common denominator in both the exchange and expanded Medicaid markets.''

As opposed to the demonstrated evidence from States that separating Federal funds can and does work, we cannot say the same about the availability of supplemental, abortion-only coverage.

In the five States that have similar prohibitions on abortion coverage to the Nelson-Hatch amendment, supplemental coverage is generally not offered—as a result of a lack of market demand for riders. And even if supplemental coverage were available, there are significant privacy concerns. If a woman opted to purchase supplemental abortion coverage, it could be inferred that she plans to obtain an abortion. Confidentiality is vital to women who are making this choice and the possibility that this information could be disclosed is both serious and disturbing. Women may face harassment and intimidation on what should be a private matter between her family and her physician.

The fact of the matter is, whether to undergo an abortion is one of the most wrenching decisions a woman can ever make—and we shouldn't ignore the real life circumstances that lead them to this choice. For some expecting mothers, tragedy strikes when a lethal fetal anomaly is discovered. Other times there may be adverse health consequences to continuing a pregnancy. In these heartbreaking cases, a woman without coverage can face severe financial hardship in paying for these health costs—not to mention emotional anguish from ending a planned pregnancy.

Rather than focusing on abortion, we should concentrate on the significant obstacles women of child-bearing age face under our current health care system. And we have achieved some clear victories for women in this bill. For example, maternity and newborn care is specifically included as an essential health benefit. Pregnancy is typically the most expensive health event for families during their childbearing years and there are significant consequences in a lack of coverage or even minimal coverage. Maternity coverage in the individual insurance market is difficult to find and exceedingly expensive if it is available. Maternity coverage riders alone ranged from $106 to $1,100 per month, required waiting periods of one to 2 years with either no or limited coverage during that period and capped total maximum benefits as low as $2,000 to $6,000. Yet expenditures for maternity care average $8,802.

I am also pleased that we passed the Mikulski amendment, which I was proud to cosponsor, that will enhance preventive services for women. This could include preconception care, where doctors counsel women on nutrition and other health interventions before they become pregnant, as well as proper prenatal care.

This is critical as mothers who receive no prenatal care have an infant mortality rate more than six times that of mothers receiving early prenatal care. Yet 20 percent of women of childbearing age are uninsured and approximately 13 percent of all pregnant women are uninsured.

This bill also at long last ends the discriminatory practice of gender rating. For years, women in this age group seeking insurance coverage have faced clear inequities compared to men. A study conducted by the National Women's Law Center found that insurers who practice gender rating charged 25-year-old women anywhere from 6 percent to 45 percent more than 25-year-old men, and charged 40-year-old women from 4 percent to 48 percent more than 40-year-old men. These critical improvements will enhance both access and health care outcomes for women. This is precisely the direction we should be heading in . . . rather than placing additional obstacles in front of women.

Throughout my tenure in Congress I have opposed Federal funding for abortion. At the same time, as a champion of women's health, I have profound reservations about limiting coverage options for women when they are contributing private dollars. Women who are subject to an individual mandate and are contributing private dollars to the cost of their insurance should not have coverage choices dictated for them by the Federal Government. We are making decisions that will affect women on an intensely personal level and if we fail to craft the right solution, it could have serious implications for women's health and privacy.

I appreciate the Finance Committee's effort to navigate this difficult issue and hope we can concentrate on the task at hand—providing coverage to the 30 million uninsured Americans. In that light, I urge my colleagues to vote against the Nelson-Hatch amendment.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

Mr. GRASSLEY. I yield such time as is remaining to the Senator from Utah.

Mr. HATCH. Mr. President, I had a longer statement I was going to deliver this afternoon, but after listening to my colleagues speak about the Nelson-Casey-Hatch amendment, I want to take my time to refute some of the arguments they are making about our amendment.

It does not even sound as though they are talking about the same amendment I filed with Senators NELSON and CASEY. Our amendment does nothing to roll back women's rights. When my colleagues on the other side say that, they are simply mischaracterizing our amendment. Our amendment ensures that the Hyde language, a provision that has been in the HHS appropriations legislation for the last 33 years, will apply to the new health care programs created through this bill. We are applying current law

to these programs. That is it. The current Hyde language ensures that no Federal Government funds are used to pay for elective abortion or health plans that provide elective abortion. Today States may only offer Medicaid abortion coverage if the coverage is paid for using entirely separate State funds, not State Medicaid matching funds. They cannot do that under current law. This is a longstanding policy based on a principle that the Federal Government does not want to encourage abortion.

For example, Guttmacher studies show that when abortion is not covered in Medicaid, roughly 25 percent of women in the covered population who would have otherwise had an abortion choose to carry to term. I wanted to explain why the Reid-Capps language in the Reid bill is not the Hyde language. First, the Hyde amendment prohibits funding for abortions through Medicaid and other programs funded through the HHS appropriations bill. However, the public option is not subject to further appropriation and therefore is not subject to Hyde. Directly opposite of the Hyde amendment, the Reid-Capps language explicitly authorizes the newly created public option to pay for elective abortions. The public option will operate under the authority of the Secretary of HHS and draw funds from the Federal Treasury account. Regardless of how these funds are collected, these funds from the Treasury are Federal funds. Funding of abortion through this program will represent a clear departure from longstanding policy by authorizing the Federal Government to pay for elective abortion for the first time in decades.

The Nelson-Hatch-Casey amendment would prohibit funding for abortion under H.R. 3590 except in the cases of rape, incest, or to save the life of the mother. As is the case with the CHIP program and Department of Defense health care, the Nelson-Hatch-Casey amendment would be permanent law rather than an appropriations rider, subject to annual debate and approval. Any funding ban subject to annual approval will be in jeopardy in the future. Even if there are the votes to maintain the Hyde language, procedural tactics and veto threats could be employed and make it impossible to retain an annual ban.

Secondly, the Hyde amendment prohibits funding for health benefits coverage that includes coverage of abortion. This requirement ensures that the Federal Government does not encourage abortion by providing access to it. When the government subsidizes a plan, it is helping to make all of the covered services available. Federal premium subsidies authorized and appropriated in H.R. 3590 are not subject to annual appropriations and they are, therefore, not subject to the Hyde language. Directly opposite of the Hyde language, the Reid-Capps explicitly allows federal subsidies to pay for plans that cover abortion by applying an accounting scheme. Under the accounting scheme, the government is permitted to subsidize abortion coverage provided that funds used to reimburse for abortions are labeled ''private'' funds. This is an end run around the Hyde restriction on funding for plans that cover abortion.

Furthermore, under the accounting scheme, premium holders will be forced to pay at least $12 per year as an abortion surcharge to be used to pay for abortions. The Nelson-Casey-Hatch amendment would ensure that no funds under H.R. 3590 will subsidize plans that cover abortion. However, it does nothing to prohibit individuals from purchasing separate abortion coverage or from purchasing plans that cover abortion without a Federal subsidy.

Another issue I want to raise is the impact the Nelson-Hatch-Casey amendment would have on coverage of elective abortions by private health plans. I heard some of my colleagues say that our amendment would prohibit women from purchasing health plans with abortion coverage, even if they spend their own money. I understand there is a Politifact story with the headline ''Lowey Says Stupak Amendment Restricts Abortion Coverage, Even for Those Who Pay for Their Own Plan.''

That is simply not true. Our amendment would not prohibit the ability of women to obtain elective abortions as long as they use their own money to purchase these policies and not the money of the taxpayers of America, directly or indirectly. Again, our opponents will argue that it does, but if they take the time to read our amendment, they will note on page 3, line 6, that it ensures there is an option to purchase separate supplemental coverage or a plan with coverage for elective abortions. In fact, let me read it to my colleagues so we are all clear on what the language actually says. I am going to read it because I am tired of hearing some of the misrepresentations made on the floor by, I am sure, well-meaning people who are very poorly informed on this amendment. It is easy for me to see why they are poorly informed when I look at this itty-bitty bill.

My gosh, no matter how bright you are, who could know everything in this itty-bitty bill that will break the desk, if I drop it on it.

I am sorry. I scared the distinguished Senator from Iowa with this itty-bitty bill. I should have dropped it a little bit softly. I apologize.

Let me tell you what it actually says.

(2) OPTION TO PURCHASE SEPARATE SUPPLEMENTAL COVERAGE OR PLAN.—Nothing in this subsection shall be construed as prohibiting any non-Federal entity (including an individual or a State or local government) from purchasing separate supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as—

(A) such coverage or plan is paid for entirely using only funds not authorized or appropriated by this Act; and

(B) such coverage or plan is not purchased using—

(i) individual premium payments required for a qualified health plan offered through the Exchange towards which a credit is applied under section 36B of the Internal Revenue Code of 1986; or

(ii) other non-Federal funds required to receive a Federal payment, including a State's or locality's contribution of Medicaid matching funds.

Under the Nelson-Hatch-Casey amendment, women are allowed to purchase separate elective abortion coverage with their own money. I wish they would not, but we allow it. Anybody who says otherwise is misrepresenting what this amendment does. I am sure they are not intentionally misrepresenting but nevertheless misrepresenting. So have fair warning.

It is also true that our amendment allows women to purchase a health plan that includes coverage of elective abortions in addition to the supplemental abortion policy as long as they pay for it with their own money. So when those who oppose our amendment say a woman would never want to purchase abortion coverage as a separate rider, they are truly misunderstanding that our language also permits women to purchase an identical exchange plan that includes coverage of elective abortions, in addition to other health benefits. To be clear, under our amendment, a woman may purchase with her own funds either a supplemental policy that covers elective abortions or an entire health plan that includes the coverage of elective abortions.

Today, Federal funds may not pay for elective abortions or plans that cover elective abortions. This is the fundamental component of the Hyde language. And to be clear, the Nelson-Hatch-Casey language does not prevent people purchasing their own private plans that include elective abortion coverage with private dollars.

In addition, our amendment explicitly states that these types of policies may be offered. In other words, our amendment does not restrict these policies from being offered. The only caveat is that they may not be purchased with Federal subsidies. We want to make that clear, and the Reid-Capps language does not.

Let me read that section of the Nelson-Hatch-Casey amendment for my colleagues. It may be found on page 4, line 3, of the Nelson-Hatch-Casey amendment.

(3) Option To Offer Supplemental Coverage Or Plan.—

Now get this:

Nothing in this subsection shall restrict any non-Federal health insurance issuer offering a qualified health plan from offering separate supplemental coverage for abortions for which funding is prohibited under this subsection, or a plan that includes such abortions, so long as—

(A) premiums for such separate supplemental coverage or plan are paid for entirely with funds not authorized or appropriated by this Act;

(B) administrative costs and all services offered through such supplemental coverage

or plan are paid for using only premiums collected for such coverage or plan; and

(C) any such non-Federal health insurance issuer that offers a qualified health plan through the Exchange that includes coverage for abortions for which funding is prohibited under this subsection also offers a qualified health plan through the Exchange that is identical in every respect except that it does not cover abortions for which funding is prohibited under this subsection.

Our amendment has the support of the U.S. Conference of Catholic Bishops, the National Right to Life Committee, the Family Research Council, the Ethics & Religious Liberty Commission of the Southern Baptist Convention, Concerned Women for America, the National Association of Evangelicals, and Americans United for Life Action.

Polls across the country indicate a majority of Americans do not want their tax dollars paying for elective abortions. According to a CNN/Opinion Research Corporation survey, 6 in 10 Americans favor a ban on the use of Federal funds for abortion. Anybody who understands that figure knows there are pro-choice people who also favor a ban on the use of Federal funds for abortion.

It also indicates that the public may also favor legislation that would prevent many women from getting their health insurance plan to cover the cost of an abortion, even if no Federal funds are involved. This poll indicates that 61 percent of the public opposes the use of public money for abortions for women who cannot afford the procedure, with 37 percent in favor of allowing the use of Federal funds.

So my question to my fellow Senators is the following: When is this Congress going to start listening to the American people, people on both sides of this issue, who do not feel that taxpayers ought to be saddled with paying for abortion through their tax dollars, or in any other way, for that matter?

I urge my colleagues to support the Nelson-Hatch-Casey amendment. Do the right thing and support our amendment, which truly protects the sanctity of life and provides conscience protections to health care providers who do not want to perform abortions. That is an important aspect of this issue, and I have waited until the last minute to say something about that issue. Why should people of conscience be forced to participate in any aspect of elective abortions? They should not. People who have deep feelings of conscience should not be forced—that includes nurses, doctors, health care providers, hospitals—they should not be forced to do this, just because of the radicalness of some people who exist in our society today, and some think the radicalness of some in this body and in the other body. It is radical to expect the American taxpayers to pay for elective abortions, especially when such a high percentage—up to 68 percent, according to some polls, and I think even higher—do not want to have Federal dollars used for this purpose.

I appreciate my colleagues. I appreciate what my colleagues stand for. But this is very important stuff.

I ask unanimous consent that a number of constituent letters be printed in the RECORD.

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

CONSTITUENT LETTERS

Senator HATCH: I am absolutely and adamantly opposed to having any of my tax dollars go to fund abortion directly or indirectly. I urge you in the strongest possible terms to vote against any motion to have the Senate consider any bill that does not include specific language like the Stupak Amendment.

Please let me know how you vote on the upcoming motion to proceed to consider any healthcare legislation.

Thank you.

Senator HATCH: I am extremely concerned that the majority of members of all the congressional committees that have considered healthcare legislation have refused to specifically include language that would prohibit allowing any of my tax dollars from directly or indirectly funding abortions.

I am absolutely opposed to being forced to fund abortions in any way with my tax dollars, and I urge you not to support any healthcare bill that does not specifically prevent this. I consider abortion to be the taking of innocent life and a fundamental moral issue. I do not want to be forced to support it in any way. . . .

Thank you.

Senator HATCH: During floor debate on the health care reform bill, please support an amendment to incorporate longstanding policies against abortion funding and in favor of conscience rights. If these serious concerns are not addressed, the final bill should be opposed.

Genuine health care reform should protect the life and dignity of all people from the moment of conception until natural death.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Nebraska be allowed to speak for up to 10 minutes.

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

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I rise to discuss the bipartisan amendment which I have proposed with Senator HATCH, the Presiding Officer, and others. As my good friend and colleague from Utah has so eloquently explained, our amendment mirrors the language offered by Representative STUPAK that was accepted into the House health care bill. Our view is that it should become part of the Senate health care bill we are debating as well.

It is a fact that the issue of abortion stirs very strong emotions involving strongly held principles all across America, from those who support the procedure and those who do not. We are hearing that passion at times here on the Senate floor.

But we are not here to debate for or against abortion. This is a debate about taxpayer money. It is a debate about whether it is appropriate for public funds to, for the first time in more than three decades, cover elective abortions. In my opinion, most Americans and most of the people in my State would say no.

As it is currently written, though, the Senate health care bill enables taxpayer dollars, directly and indirectly, to pay for insurance plans that cover abortion. We should not open the door to do so. As I said yesterday, when we offered the amendment, some suggested the Stupak language imposes new restrictions on abortion. But that is not the case. We are seeking to apply the same standards to the Senate health care bill that already exist for many Federal health programs.

But the bill does set a new standard. It is a standard in favor of public funding of abortion. Our amendment does not limit the procedure, nor prevent people from buying insurance that covers abortion with their own money. It only ensures that when taxpayer dollars are involved, people are not required to pay for other people's abortions.

Some have claimed that the amendment restricts abortion coverage even for those who pay for their own plan. That is not true, according to politfact.com, a prize-winning, fact-checking Web site, which looked at similar claims by a House Member during House debate on the Stupak amendment. PolitFact found, and I quote:

First, she suggests the amendment applies to everyone in the private insurance market when it just applies to those in the health care exchange. Second, her statement that the restrictions would affect women ''even when they would pay premiums with their own money'' is incorrect. In fact, women on the exchange who pay the premiums with their own money will be able to get abortion coverage. So we find her statement false.

The Nelson-Hatch-Casey amendment only incorporates the longstanding rules of the Hyde amendment, which Congress approved in 1976, to ensure that no Federal funds are used to pay for abortion in the legislation.

This standard now applies to Federal health programs covering such wide and broad groups as veterans, Federal employees, Native Americans, active-duty servicemembers, and others—all of whom are covered under some form of a Federal health program.

Thus, this standard applies to individuals participating in the Children's Health Insurance Program, Medicare, Medicaid, Indian Health Services, veterans health, and military health care programs.

I wish to emphasize another point. All current Federal health programs disallow the use of Federal funds to help pay for health plans that include abortion. Our amendment only continues that established Federal policy. Some have said the Hyde amendment already is in effect in this bill. But that is not the case at all. The bill says the Secretary of Health and Human Services may allow elective abortion

coverage in the Community Health Insurance Option—the public option—if the Secretary believes there is sufficient segregation of funds to ensure Federal tax credits are not used to purchase that portion of the coverage.

The bill would also require that at least one insurance plan that covers abortion and one that does not cover abortion be offered on every State insurance exchange.

Federal legislation establishing a public option that provides abortion coverage and Federal legislation allowing States to opt out of the public option that provides abortion coverage eases—let me repeat the word ''eases''—the standards established by the Hyde amendment.

The claim that the segregation of funds accomplishes the Hyde intent falls short. Segregation of funds is an accounting gimmick. The reality is, taxpayer-supported Federal dollars would help buy insurance coverage that includes covering abortion.

I wish to offer some other points about the effect of the Nelson-Hatch-Casey amendment.

Under the amendment, no funds authorized or appropriated by the bill could be used for abortions or for benefits packages that include abortion. The amendment would prohibit the use of the affordability tax credits to purchase a health insurance policy that covers abortion. It would also prohibit Federal funding for abortion under the Community Health Insurance Option.

In addition, the amendment makes exceptions in the cases of rape or incest or in cases of danger to the mother's life.

In addition, the amendment allows an individual to use their own private funds to purchase separate supplemental insurance coverage for abortions, perhaps even what is called a rider to an existing plan.

The amendment allows an individual whose private health care coverage is not subsidized by the Federal Government to purchase or be covered by a plan that includes elective abortions, paid for with that individual's own premium dollars.

Under the amendment, a private insurer participating in the exchange can offer a plan that includes elective abortion coverage to nonsubsidized individuals on the exchange, as long as they also offer the same plan without elective abortion coverage to those who receive Federal subsidies.

On another point, under Federal law, States are allowed to set their own policies concerning abortion. Many States oppose the use of public funds for abortion. Many States have also passed laws that regulate abortion by requiring informed consent and waiting periods, requiring parental involvement in cases where minors seek abortions, and protecting the rights of health care providers who refuse, as a matter of conscience, to assist in abortion.

But perhaps most importantly, there is no Federal law, nor is there any State law, that requires a private health plan to include abortion coverage. But the bill before us, as written, does.

As I have said, the current health care bill we are debating should not be used to open a new avenue for public funding of abortion. We should preserve the current policies, which have stood the test of time, which are supported by most Nebraskans and most Americans. The Senate bill, as proposed, goes against that majority public opinion. I think most Americans would prefer that this health care bill remain neutral on abortion, not chart a new course providing public funds for the procedure. Public opinion suggests so. So does the fact that over the last 30-plus years Congress has passed new Federal laws that have not broken with precedent.

Finally, as President Obama has said, this is a health care reform bill. It is not an abortion bill. So it is time to simply extend the longstanding standard disallowing public funding of abortion to new proposed Federal legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield to the Senator from California. At least indirectly it is our understanding that Senator REID will soon come to the floor to speak.

Mrs. FEINSTEIN. As soon as he comes in, I would be happy to yield.

Mr. BAUCUS. That would be my request.

Mrs. FEINSTEIN. Thank you. I appreciate that.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, simply put, I believe this amendment would be a harsh and unnecessary step back in health coverage for American women.

What this amendment would do, as I read it, is to prohibit any health insurance plan that accepts a single government subsidy or dollar from providing coverage for any abortion, no matter how necessary that procedure might be for a woman's health, even if she pays for the coverage herself.

The proponents of this amendment say their sole aim is to block government funds from being used to cover abortion, but the underlying bill already does that. In the bill before us, health plans that opt to cover abortion services—in cases other than rape, incest, or when the life of the mother is at stake—must segregate the premium dollars they receive to ensure that only private dollars and not government money is used. They argue that segregating funds means nothing—you heard that—and that money is fungible. However, this method of separating funds for separate uses is used in many other areas, and there is ample precedent for the provision.

For example, charitable choice programs allow agencies that promote religion to receive Federal funds as long as these funds are segregated from religious activities. We all know that. We see it in program after program. If these organizations can successfully segregate their sources of funding, surely health insurance plans can do the same. Additionally, the Secretary of Health and Human Services must certify that the plan does not use any Federal funding for abortion coverage based on accounting standards created by the GAO.

This amendment would place an unprecedented restriction on a woman's right to use her own money to purchase health care coverage that would cover abortions. Let me give my colleagues one example. Recently, my staff met with a bright, young, married attorney who works for the Federal Government. She and her husband desperately wanted to start a family and were overjoyed to learn she was pregnant. Subsequently she learned the baby she was carrying had anencephaly, a birth defect whereby the majority of the brain does not develop. She was told the baby could not survive outside of the womb. She ended the pregnancy but received a bill of nearly $9,000. Because she is employed by the Federal Government, her insurance policy would not cover the procedure. Her physician argued that continuing the pregnancy could have resulted in ''dysfunctional labor and postpartum hemorrhage, which can increase the risk for the mother.'' The physician also warned that the complications could be ''life threatening.''

However, OMB found that this circumstance did not meet the narrow exception in which a woman's life, not her health, is in danger. The patient was told: ''The fetal anomaly presented no medical danger to you,'' despite the admonitions of her physician. The best she could do was to negotiate down the cost to $5,000.

Now, this story, without question, is tragic. A very much-wanted pregnancy could not be continued and, on top of this loss, the family was left with a substantial unpaid medical bill. Health insurance is designed to protect patients from incurring catastrophic bills following a catastrophic medical event. But if this amendment passes, insured women would lose any coverage included in the underlying bill, even if she pays for it herself. Why would this body want to do that? I can't support that.

A woman's pregnancy may also exacerbate a health condition that was previously under control, or a woman may receive a new diagnosis in the middle of her pregnancy. It happens. If this amendment passes, women in these circumstances would also learn that their insurance does not cover an abortion. In some cases, it may be unclear whether the woman's health problem meets the strict definition of life endangerment.

The National Abortion Federation has compiled calls they receive on

their hotline which are available to women who need assistance obtaining abortion care. Let me give you a few examples.

Molly was having kidney problems and was in a great deal of pain. She couldn't go to work. She couldn't provide for her two children. When she became pregnant, she made the decision to terminate the pregnancy in order to have her kidney removed to begin her recovery. She knew carrying the pregnancy would create additional health problems and would leave her unable to provide for her family.

Jamie already had severe health problems when she learned she was pregnant. She was a severe diabetic and her low blood sugar levels caused her to suffer from seizures. She was unable to continue her pregnancy but had difficulty affording the procedure.

Another was suffering from a serious liver illness when she became pregnant. Doctors were unsure of the cause, but she was in a great deal of pain. She already had two children. She could not care for them because of this pain. The tests and medications she needed to address her medical condition were incompatible with pregnancy.

None of these women experienced immediate threats to their lives, so under this amendment their circumstances would not meet the narrow exceptions permitted for abortion coverage.

This is a problem. How can one say we are going to provide insurance, but we don't like one aspect of it. We don't want the government to pay for it. OK, OK. But the woman herself can't pay for it. That is the extra step that this legislation takes.

To this day, it is still legal to have an abortion. Women in this situation don't buy insurance for abortion, but they buy a policy that may cover them, married women, should something happen in a pregnancy in the third trimester. If they find a baby is without a brain, she can have an abortion, and it is covered.

One of the problems with this whole debate is everybody sees something through their own lens. They don't see the grief and trouble and morbidity that is out there and the circumstances that drive a woman to decide—married—she has to terminate her pregnancy for very good medical reasons. Nobody considers that. This is all ideologic, and it really, deeply bothers me.

So I can only tell my colleagues I very much hope this amendment goes down.

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

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I would like to summarize the reasons for and the intent of the amendment that Senator HATCH and the Presiding Officer and I, together with others, have proposed to the health care bill.

First of all, I should say the examples our very good friend from California has outlined would not have been covered under the Federal Employees Health Benefits Plan either because the Federal Employees Health Benefits Plan does not provide abortion coverage for such circumstances.

Our amendment mirrors the language that has been offered by Representative STUPAK that was adopted into the House health care bill, and we believe it should be applied to the Senate bill as well. As I said earlier, the issue of abortion certainly prompts strong opinions, fierce passions, and deep-seated principles for millions and millions of Americans, those who support the procedure and those who don't. But our amendment does not take sides on abortion. It is about the use of taxpayer money.

The question before us is whether public funds, for the first time in more than three decades, should cover elective abortions. Numerous public opinion polls have shown that most Americans, including a number who support abortion, do not support public funds paying for abortion. But the Senate bill we are debating allows taxpayer dollars, directly and indirectly, to pay for insurance plans to cover abortion. That is out of step with the majority of Nebraskans and of all Americans.

Our amendment does not impose new restrictions on women despite what some have claimed, and I respect but strongly disagree with them. We are seeking to just apply the same standards to the Senate health care bill that already exist for every Federal health program.

Our amendment does not add a new restriction, but the bill does add a new relaxation of a Federal standard that has worked well for more than 30 years. Under our amendment, abortion isn't limited, nor would people be prevented from buying insurance on the private market covering abortion with their own money.

Our amendment only ensures that where taxpayer money enters the picture, people are not required to pay for people's abortions.

The Nelson-Hatch-Casey amendment incorporates the longstanding standard established by the Hyde amendment which Congress approved in 1976. Today it applies to every Federal health program. That includes plans that cover veterans, Federal employees, including Members of Congress, Native Americans, Active-Duty servicemembers, and a whole host of others.

Some people have called our amendment radical. Nothing could be further from the truth. It is reasonable. It is rational because it follows established Federal law. It is right. Taxpayers shouldn't be required to pay for people's abortions. It is just that simple.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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 (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. REID. Mr. President, there were 45,000 funerals in America this year. These funerals, 45,000 in number, stood out from all the rest. Why? They were tearful, as all funerals are. They filled loved ones with sorrow and grief, as many of us know firsthand. But these 45,000 funerals were avoidable. That is why they were more tragic than most, because 45,000 times this year—nearly 900 times a week, more than 120 times each day, about every 10 minutes in America, every day, without end—someone dies as a direct result of not having health insurance.

That is a sickening number. You would have to be heartless not to be horrified. It doesn't even include those who did have health insurance but died because it was not enough to meet their most basic needs. That is what this is all about.

But it is not even just about death. How many citizens in each of our States are bankrupt and broke because of a broken health care system? How many have to choose between their mother's chemotherapy and their daughter's college tuition? How many have to work two or three jobs to provide for a family they never have time to see, all because of an accident they had or an illness they acquired that some insurance big shot calls a preexisting condition.

So many of these tragedies could be prevented. If our Nation truly values the sanctity of life, as I believe it does, we will do everything we can to prevent them. That is why we are pushing so hard to make it possible for every American to afford good health. That is why we cannot take no for an answer, and that is why we will not let the American people down.

That value is also evident in the amendment before us. As some know, for many years—nearly 28 years as a Member of the House of Representatives, of the Senate, and as majority leader—I have consistently cast my vote against abortion.

To me, it is not about partisanship of any kind or political points or even polling data. To me, it is a matter of conscience.

I might not be the loudest on this topic, but that doesn't make my beliefs any less strong. I might oppose abortion, but that does not mean I am opposed to finding common ground for the benefit of the greater good. We can find common ground.

My belief in the sanctity of life is why I have repeatedly voted against using taxpayer money for abortion. It is why I have repeatedly voted against covering abortions in Federal employees health insurance plans and repeatedly voted against allowing Federal facilities to be used for abortions.

But I recognize abortion is an emotional issue. Many Senators in this

body disagree, as many citizens in the country disagree, on the issue. But divisive issues don't have to divide us. There is value in finding common ground.

Among this institution's immortals is Senator Henry Clay, who worked under the premise that, as he said:

All legislation is founded upon the principle of mutual concession.

It is in that spirit that I have been able to work with my colleagues to my left and to my right—Congressmen and Senators who are pro-life, such as I am, and those who are pro-choice. One of the ways I have done this is by trying to reduce the rate and number of unintended pregnancies.

Our great country leads the world in many ways. But this area is not one in which we take much pride. The United States has one of the highest rates of unintended pregnancies among all industrialized nations, and that is an understatement. Half of all pregnancies in America—every other one—is unintended. Of those, more than half result in abortions.

I have worked to stop this problem before it starts. In 1997, Senator Olympia Snowe and I started the first of many efforts to improve access to contraception. We said health plans should treat prescription contraception the same way it treats other prescription medications. We even passed a law that ensures that Federal employees have access to contraception. This proves what is possible when Senators have different backgrounds, both of good faith, work with each other rather than against each other.

In this case, a pro-life Democrat and a pro-choice Republican followed common sense and found common ground. I have always been appreciative of Senator SNOWE for her cooperation and her courage. I continue, to this day, to be grateful.

Let's not forget that the historic bill before this body will continue those efforts. By making sure that all Americans can get good health care, we will reduce the number of unintended pregnancies at the root of this issue. That is a goal both Democrats and Republicans can agree is worthwhile.

Let's talk about current law and this bill. In that and many other respects, this bill is a good, strong, and historic one. It is a bill that will affect the lives of every single American, and it will do so for the better. It will—as you have heard me say many times—save lives, save money, and save Medicare.

But you have also heard me say this bill deserves to go through the legislative process. That process includes amendments. It warrants additions, subtractions, and modifications, as the Senate sees fit. This is an appropriate process, one that has served this body well for more than two centuries.

The amendment before us today, offered by Senator NELSON of Nebraska, would make dramatic changes in current law in America. It is worth examining what that law says, how this bill would treat it and what this amendment would require in addition and then evaluating whether it improves the overall effort.

As current law dictates, not a single taxpayer dollar—not one—can be used to pay for an abortion. There are very few—but very serious—exceptions to this rule: Those are explicitly limited to cases in which the life of the mother is in danger and when the pregnancy is the result of rape or incest.

This law is called the Hyde amendment. It has been on the books since the late Republican Congressman Henry Hyde wrote it in 1976. I have great respect for Henry Hyde, and I recall with fondness how this Illinois Republican Congressman came to Nevada and campaigned for me. We worked together at a time when a Republican could campaign for a Democrat and vice versa and not fear retribution and condemnation from his own party.

When we drafted the health reform bill now under consideration, we worked hard to come up with a compromise between pro-life and pro-choice Senators. On one side, there are some Senators who don't believe abortion should be legal, let alone mentioned in any health plan. On the other side, there are Senators who don't want a woman's access to legal abortion to depend on which health plan she could afford, and they wanted that reflected in this bill.

So legislating in pursuit of mutual concession, as Senator Clay advised, we struck a compromise. It is a compromise that recognizes people of good faith can have different beliefs, and instead of trying to settle the sensitive question of abortion rights in this bill, we found a fair middle ground.

That compromise is, we maintain current law. We are faithful to the Hyde amendment, which has been in place now for 33 years. Let me be clear. As our bill currently reads, no insurance plans in the new marketplace we create—whether private or public—would be allowed to use taxpayer money for abortion, beyond the limits of existing law.

But we don't stop there. The bill takes special care to keep public and private dollars separate to make sure that happens. This isn't a new concept. It is worth noting this practice of segregating money is consistent with other existing rules that make sure the public doesn't pay for things it shouldn't. It is consistent with the existing Medicaid practice that gives States the option of covering abortion also at their expense. It mirrors practices already in place to separate church and State by ensuring money the Federal Government gives religious organizations is not used for religious practices. So we are not reinventing the wheel.

Just as current law demands, the bill respects the conscience of both individual health care providers and health care facilities. And once again, it goes further. Our bill not only safeguards a long list of Federal laws regarding conscience protections and refusal rights, it even outlaws discrimination against those health care providers and facilities with moral and religious objections to abortion. That means if a doctor does not believe it is right to perform an abortion, he or she can say no, no questions asked. Health care facilities such as Catholic hospitals, which are the largest nongovernment, nonprofit health care providers in the country, would continue to have the same right to refuse to perform abortions.

Under our bill, at least one plan that does not cover abortion services will have to be offered in each exchange so no one will be forced to enroll in a plan that covers abortion services. This is an improvement since the current marketplace does not provide a similar guarantee.

It is clear that the current bill does not expand or restrict anyone's access to abortion, period. It does not force any health plans to cover abortion or prohibit them from doing so, period. Why? Because this bill is about access to health care, not access to abortions.

I have great respect for Senator BEN NELSON. His integrity and independence reflect on the Nebraskans he represents. His strong beliefs are rooted in his strong values. But he shows, better than most, that one can be steadfast without being stubborn. Senator NELSON has always been a gentleman whose consideration is the true portrait of how a Senator should conduct oneself.

I mentioned that our underlying bill leaves current law where it is. This amendment, however, does not. It goes further than the standard that has guided this country for 33 years. It would place limits not only on taxpayer money, which I support, but also on private money. Again, current law already forbids Federal funds from paying for abortions, and our bill does not weaken that rule one bit. I believe current law is sufficient, and I do not believe we need to go further. Specifically, I do not believe the Senate needs to go as far as this amendment would take us. No one should use the health care bill to expand or restrict abortion, and no one should use the issue of abortion to rob millions of the opportunity to get good health care.

This is not the right place for this debate. We have to get on with the larger issue at hand. We have to keep moving toward the finish line and cannot be distracted by detours or derailed by diversions.

Our health reform bill now before this body respects life. I started by saying I believe in the sanctity of life. But my strong belief is that value does not end when a child is born; it continues throughout the lifetime of every person.

With this bill, nearly every American will be able to afford the care they need to stay healthy or care for a loved one. It respects life.

Those who today have nowhere to turn will soon have security against what President Harry Truman called ''the economic effects of sickness.'' It respects life.

Those who suffer from disease, from injury, or from disability will no longer be told by claims adjustors they never met that they are on their own. It respects life.

It will help seniors afford every prescription drug they need so they do not have to decide which pills to skip and which pills to split. It respects life.

It will stop terrible illnesses before they start and stop Americans from dying of diseases we know how to treat. It respects life.

We will stop terrible abuses, such as insurance companies looking at earnings reports instead of your doctor's report and charging rates that make the health we want a luxury. It respects life.

We will ensure the most vulnerable and the least prosperous among us can afford to go to a doctor when they are sick or hurt, not to the emergency room where the rest of us pick up the bill. It respects life.

This bill recognizes that health care is a human right. This bill respects life.

The issue in this amendment is not the only so-called moral issue in this debate. The ability of all Americans to afford and get the access to care they need to stay healthy is also a question of morality.

The reason I oppose abortion and the reason I support the historic bill is the same: I respect the sanctity of life.

This is a health care bill. It is not an abortion bill. We cannot afford to miss the big picture. It is bigger than any one issue. Neither this amendment nor any other should be something that overshadows the entire bill or overwhelms the entire process.

Throughout my entire public career, I voted my conscience on the subject of abortion. As I said, that decision is based on something personal with me. My vote today will also honor another principle I believe to my very core and that I will believe until my very last day on Earth: We must make it possible for every American to afford a healthy life.

I believe the compromise in our current bill and the current bill itself fully fulfill both of these moral imperatives. And I believe when we are given the trust of our neighbors, friends, relatives, the privilege to lead the opportunity to improve others' lives, we cannot turn our backs. We cannot turn our backs on the tens of millions of Americans who have no health insurance at all—none—not thousands, not hundreds, not millions but tens of millions. We cannot turn our backs on the many who do but live one accident, one illness, or one pink slip away from losing that insurance they have.

One of the most cherished charters this Nation has, drafted by one of our most beloved leaders, declared life to be the first among several of our absolute rights. Jefferson put it even before liberty, even before the pursuit of happiness—life.

If we still truly value life in America—and I believe we do—if we still truly value the life of every American, we cannot turn our backs on the 14,000 of us who lose health coverage every single day of every week of every month of every year in this country—no weekends off, no vacations. How many of the thousands of men, women, and children who today will be kicked out in the cold will next year become one of the tens of thousands who die because of it? If we value the sanctity of life, as I know we do, and fix what is broken, as I know we must, we will not have to find out.

I believe in this bill and what it will do for our country for generations to come, what it will do for our constituents, my children, my grandchildren, and their children and their grandchildren. I will not support efforts to undermine this historic legislation.

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to vote in relation to the Nelson-Hatch amendment No. 2962; that regardless of the outcome of the vote with respect to that amendment, there be 2 minutes of debate prior to a vote in relation to the McCain motion to commit, equally divided and controlled in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote in relation to the McCain motion to commit; the McCain motion be subject to an affirmative 60-vote threshold; that if the motion achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; and that no amendment be in order to the motion.

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

Mrs. BOXER. Mr. President, I move to table the Nelson amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—54

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

NAYS—45

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bayh	Dorgan	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Nelson (NE)
Bunning	Grassley	Pryor
Burr	Gregg	Risch
Casey	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Conrad	Johanns	Vitter
Corker	Kaufman	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. BOXER. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to the motion to commit offered by the Senator from Arizona.

Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, the McCain motion to commit on Medicare Advantage would keep overpayments in the Medicare Advantage program, even though the Medicare Payment Advisory Commission recommends that they be eliminated.

The McCain motion to commit is a tax on all seniors. It would maintain the overpayments to private insurers and require beneficiaries to pay higher Part B premiums. The average couple pays $90 per year just so insurers can reap greater profits under Medicare.

The McCain amendment is a raid on the Medicare trust fund. MA overpayments take 18 months off the life of the Part A trust fund. And according to MedPAC, there is no evidence of greater quality of care. In fact, MedPAC told Congress this year that ''only some'' MA plans are of high quality. MedPAC finds that ''only half of beneficiaries nationwide have access to a plan that Medicare rates above average on overall plan quality.''

The more than 45 million seniors with Medicare deserve better. They do not deserve to subsidize high profits of private insurers. And the more than 11 million Medicare beneficiaries who choose to enroll in private plans also deserve better. They deserve plans that coordinate care. Most plans today do not. They deserve plans that are of high quality. Many plans today do not.

If Senators want to help beneficiaries, they will vote to eliminate overpayments under Medicare Advantage. And they should vote against the McCain motion.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this amendment is about an earmark. It is about a special deal cut for a special group of people who happen to reside in the State of Florida. I am never so presumptuous. I have lost too many votes trying to eliminate earmarks. But what I am trying to do is allow every American citizen who is enrolled in Medicare Advantage to have the same protection of their Medicare Advantage Program as the Senator from Florida has carved out in this bill. That is all it is about. It is about equality. It is about not letting one special group of people who reside in a particular State get a better deal than those who live in the rest of the country. That is all this amendment is about.

It will probably be voted down on a party-line vote. But what you have done is you have allowed a carve-out for a few hundred thousand people in the State of Florida and have disallowed the other 11 million who have Medicare Advantage from having their health care cut. That is what this is all about.

Mr. BOND. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—42

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

NAYS—57

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

NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 57. Under the previous order requiring 60 votes for adoption of the motion, the motion is withdrawn.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Texas.

Mr. DORGAN. Madam President, will the Senator from Texas yield for a unanimous consent request?

Mrs. HUTCHISON. I will.

Mr. DORGAN. Madam President, I ask unanimous consent that following the presentation by the Senator from Texas that I be recognized to offer an amendment, and following that Senator CRAPO be recognized to offer an amendment, and Senator CRAPO, I believe, wishes to speak 2 or 3 minutes, and following that then I would be recognized as well for a presentation on the amendment I have offered, and following my presentation, the Senator from Minnesota, Ms. KLOBUCHAR, would be recognized, and Senator KAUFMAN would be recognized as part of the colloquy with Senator KLOBUCHAR.

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

The Senator from Texas.

Mrs. HUTCHISON. Madam President, we have spent the last few days highlighting how this health care reform bill is paid for by cutting benefits to seniors, jeopardizing their access to care. Almost $500 billion will be cut from the Medicare Program.

But this bill also imposes $½ trillion in new taxes. These are taxes that hit every American and virtually every health care business or related business in the country.

During an economic downturn, this approach is counterintuitive. These taxes will discourage investment and hiring. We are in one of the worst economic downturns in the history of our country. We do not need to tell anybody that. We are all feeling it. We know people who are suffering right now.

I look at what has been done in the past when we have had economic downturns, and I look at President Kennedy, President Reagan, President Bush. They lowered taxes. What happened? The economy was spurred. Lower taxes have proven to spur the economy. Yet in this bill we see $½ trillion in new taxes on families and small businesses.

Let's walk through some of these taxes.

Employer taxes. Madam President, $28 billion in new taxes is imposed on businesses that do not provide health insurance to their employees. To avoid the tax, an employer has to provide the right kind of insurance—insurance that the Federal Government approves. It is going to be a certain percentage and have certain coverage requirements. Employers who do not provide the right kind of insurance could see a penalty as high as $3,000 per employee.

We should be encouraging people to hire in this kind of environment. That should be job No. 1: creating jobs.

Yet imposing taxes and fines are what is in this bill, and that is not going to encourage hiring; it is going to discourage hiring. That is economics 101.

Individual taxes: There are $8 billion in taxes for those who don't purchase insurance on their own. The tax is $750 per person. Again, because you are insured today does not mean you will avoid the tax. You must have the right kind of insurance—insurance that the Federal Government approves and says is the right amount of insurance.

How about the taxes on high-benefit plans? There are $149 billion in taxes on health insurance plans that the Federal Government says are too robust. These high-benefit plans—Cadillac plans some call them—would be subject to a 40-percent excise tax. To make it worse, the tax is not indexed, so it is a new AMT, a new alternative minimum tax that everyone says was not supposed to encroach on lower income people, but, in fact, it has because it is not indexed for inflation.

So here we are. In this bill, you get taxed if you don't provide enough benefits and you get taxed if you provide too many benefits. So this is beginning to sound like government-run health care to me, and I can only imagine how the unions feel because they are the ones that have these high-benefit plans and here they are under fire because they have too much coverage.

Medicare payroll tax: This is the new payroll tax that is imposed on individuals making more than $200,000 and couples making more than $250,000. That tax raises another $54 billion. This additional payroll tax is a marriage penalty. It is not indexed to inflation, meaning it is another AMT in the making because today, that may sound high—$200,000 and $250,000—but it is a huge marriage penalty, and it could begin then to go down in numbers so that more and more people are affected.

This body voted unanimously during the budget debate—unanimously—that a point of order would be made against legislation that would impose a marriage penalty in the budget. So we have voted unanimously that a budget point of order would stand if there is a marriage penalty in the budget. So now here we are a few months later, and the majority is not only retreating from the opposition to the marriage penalty, but we now have for the first time in our Tax Code—or will when this bill passes—a payroll tax marriage penalty. How on Earth can we do that?

I am going to fight this marriage penalty, and I hope the Senate will vote against this concept. It is a new precedent that could be set in other areas that would say if you are married, you are going to get fewer benefits than if you are single. That is not a precedent we ought to be setting.

Then there is the medical deduction cap. There is a change in our Tax Code that would limit the itemized deduction for medical expenses. We have always had one that said if your medical expenses go above 7.5 percent of your income, that you would be able to deduct anything above that. This bill increases that threshold to 10 percent so that if you are going to get deductions—and this is going to affect people who have catastrophic accidents, really, really high medical bills, debilitating health conditions, or very, very expensive medicine—if you go above 7.5 percent today, you would be able to deduct. But in this bill, it is going to be 10 percent of your income before the government is going to allow you to deduct these added expenses.

Then there is the drug, device, and insurance company taxes: $60 billion in taxes assessed to insurance companies, $22 billion to prescription drug manufacturers, and $20 billion on medical device manufacturers. The experts have said, all of the economists have said these taxes will be paid by the public. Of course they are going to be passed on: higher premiums for every insurance policy that is already there, and higher prices for medications and medical equipment.

So medications you take for diabetes or heart disease, medications or medical devices that you need to fight cancer would all become more expensive because every one of them would have a higher cost because the company is going to pay an added fee just for producing these medicines and equipment.

So many people today are struggling with their medical bills. They are struggling to fill prescriptions. Why aren't we bringing costs down? Isn't medical cost part of the reason for reform because the costs are going up? Wasn't the point of reform to bring the costs down so more people would have affordable options for health care coverage? What happened to that? All of these taxes on individuals and businesses are going to drive prices and costs up.

In closing, the bill before us imposes $½ trillion in new taxes at a time when unemployment is soaring and our economy is struggling. We have $½ trillion in cuts to Medicare which is going to severely hurt our senior citizens and their access to health care, and then $½ trillion in tax increases, taxing marriage, taxing Tylenol, taxing high-benefit plans, taxing low-benefit plans, taxes if you offer employee health care coverage, and taxes if you offer not quite enough. This is a tax-and-spend bill.

Republicans have repeatedly put forward ideas that would reform our health system, bring the costs down without burdening our employers with more taxes that would keep them from helping our economy by hiring more people; ideas that would increase competition and transparency and ensure access to affordable care.

So I hope while our colleagues are meeting to try to get their 60 votes—which we know they are—that maybe they might consider bringing everybody into this process and listening to other ideas that would not be a government takeover of our health care system; that would not be more government mandates, more taxes, cuts from Medicare services. This is a recipe for disaster for our country, and I hope it is not too late for the Democratic majority to say: OK, let's get together and try to put together a bipartisan plan that will not hurt the quality of health care that Americans have known and expected in our country, one that will bring costs down and make health care more affordable, one that will give carrots to our employers not sticks that will switch them if they don't have the right kind of coverage or the government-approved coverage or the right percentage of coverage.

We can do better and I hope we will.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2793, AS MODIFIED, TO AMENDMENT NO. 2786

(Purpose: to provide for the importation of prescription drugs)

Mr. DORGAN. Madam President, I call up amendment No. 2793, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. SNOWE, Mr. GRASSLEY, Mr. MCCAIN, Ms. STABENOW, Ms. KLOBUCHAR, Mr. BROWN, Mrs. SHAHEEN, Mr. VITTER, Mr. KOHL, Mr. LEAHY, Mr. FEINGOLD, and Mr. NELSON of Florida, proposes an amendment numbered 2793 to amendment No. 2786, as modified.

Mr. DORGAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DORGAN. Madam President, my understanding is that the Senator from Idaho is to be recognized next for laying down an amendment.

The PRESIDING OFFICER. The Senator from Idaho.

MOTION TO COMMIT

Mr. CRAPO. Madam President, I have a motion at the desk which I wish to call up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. CRAPO] moves to commit the bill H.R. 3590 to the Committee on Finance with instructions to report the same back to the Senate with changes that provide that no provision of this Act shall result in an increase in Federal tax liability for individuals with adjusted gross income of less than $200,000 and married individuals with adjusted gross income of less than $250,000.

Mr. CRAPO. Thank you, Madam President.

As the motion which has just been read clearly states, this motion would be to commit this bill to the Finance Committee for the Finance Committee to do one simple thing, and that is to make the bill conform to President Barack Obama's pledge to the American people about health care reform and who would pay for health care reform.

In a speech he has given in a number of different places, President Obama has very clearly stated:

I can make a firm pledge . . . no family making less than $250,000 will see their taxes increase . . . not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes. You will not see any of your taxes increase one single dime.

All this motion does is to commit this bill to the Finance Committee to have the Finance Committee assure that its provisions comply with this pledge.

Now, why would we want to do that? I think most Americans are very aware today that this bill comes at a huge price. There are $2.5 trillion of new Federal spending, $2.5 trillion of new Federal spending that is offset, if you will, by about $500 billion worth of cuts in Medicare and $493 billion worth of cuts in the first 10 years are tax increases, $1.2 trillion of tax increases in the first real 10 years of the full implementation of the bill. There is no question but that much of the tax increase that is included in this bill to pay for this massive increase in Federal spending will come squarely from people in the United States who make less than $250,000 as a family or less than $200,000 as individuals.

All we need to do is to go through this bill to see that by the analysis we have made so far, it appears that at least 42 million households in America will pay a portion of this $1.2 trillion in new taxes, people who are under these income levels to whom President Obama made the pledge.

I will have a greater opportunity tomorrow to discuss this motion in more detail. Tonight I just had a few minutes to make the introduction and to call up the motion, and we will then get into a fuller discussion on how this bill provides a heavy tax burden on the middle class of this country in direct violation of the President's pledge.

So as I conclude, I would simply say this is a very simple amendment. We can debate about whether the bill does or does not increase taxes—I think that is absolutely clear—on those in the middle class. But all the motion would do is to commit this bill to the Finance Committee to have the Finance Committee make the bill comport with the President's pledge.

I will conclude by just reading his pledge one more time. The President, in his words, said:

I can make a firm pledge . . . no family making less than $250,000 will see their taxes increase . . . not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes. . . . you will not see any of your taxes increase one single dime.

That is what this motion accomplishes.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, the amendment I have offered with many colleagues—over 30 colleagues, Republicans and Democrats, a bipartisan legislation—deals with the issue of prescription drugs; specifically, the importation of FDA-approved drugs that the American people would be able to access for a fraction of the price they are charged in this country.

The American people are paying the highest prices in the world for brand-name prescription drugs.

It is not even close. Let me just show the first chart. I have many. I will show the first one to describe what brings me to the floor of the Senate.

Here are prices for Lipitor. There are so many people who take Lipitor that they probably ought to put it in the water supply—the most popular cholesterol-lowering drug in America, perhaps in the world. Here is what the American people pay for an equivalent quantity: $125. The same quantity costs $40 in Britain, $32 in Spain, $63 in the Netherlands, $48 in Germany, $53 in France, and $33 in Canada. Once again, it is $125 to the American consumer.

Here are the two bottles for Lipitor. It is made in Ireland by an American company and then sent around the world. This happened to go to Canada, and this went to the United States. It is the same pill, same bottle, same company, made at the same manufacturing plant, and it is FDA approved. Difference? The American consumer gets to pay three to four times higher cost. Fair? Not for me.

That is what this amendment is about. This amendment is about freedom, giving the American people the freedom in the global economy to buy the same FDA-approved drug from those countries that have an identical chain of custody as we do in this country, so an FDA-approved drug sold for a fraction of the price—why should we prevent the American people from being able to exercise and see the same savings every other consumer in the world sees?

Let me see whether anybody recognizes this. Prescription drugs are a significant part of our lives. We are bombarded with ads every single day. Let me show a demonstration of the push for consumption of prescription drugs at the highest brand-name prices in the world.

On television, Sally Field says to us—and I have seen it many mornings when I am brushing my teeth—she says this:

I always thought calcium, vitamin D, and exercise would keep my bones healthy. But I got osteoporosis anyway, so my doctor started me on once-a-month Boniva. And he told me something important: Boniva works with your body to help stop and reverse bone loss.

My test results proved I was able to stop and reverse my bone loss with Boniva. And studies show that after one year, 9 out of 10 women did, too.

I've got this one body and this one life, so I wanted to stop my bone loss. But I did more than that; I reversed it with Boniva.

Ask your doctor if Boniva is right for you.

Here is another one:

Some of us need help falling asleep. Some of us need help staying asleep. A good night's sleep doesn't have to be an on/off thing anymore.

From the makers of the most prescribed name in sleep medicine comes controlled release Ambien CR. It's the only one with two layers of sleep relief.

Ambien CR is a treatment you and your doctor can consider along with lifestyle changes and can be taken for as long as your health care provider recommends.

So ask your health care provider about Ambien CR, for a good night's sleep from start to finish.

Here is another one:

Does your restless mind keep you from sleeping? Do you lie awake exhausted? Well, maybe it's time to ask whether Lunesta is right for you.

For a limited time, you're invited to take the 7-night Lunesta challenge. Ask your doctor how to get 7 nights of Lunesta free and see if it's the sleep aid you've been looking for.

Get your coupon at Lunesta.com and ask your doctor today.

Here is another one:

They're running the men's room marathon, with lots of guys going over and over. And here's the dash to the men's room with lots of guys going urgently. Then there's a night game waking up to go.

These guys should be in a race to see their doctors. Those symptoms could be signs of BPH or enlarged prostate. Waking up to go, starting and stopping, going urgently, incomplete emptying, weak stream, going over and over, straining.

For many guys, prescription Flomax reduces urinary symptoms associated with BPH in one week. Only a doctor can tell if you have BPH and not a more serious condition like prostate cancer.

Call 1–877–FLOMAX to see if Flomax works for you and to see if you qualify for $40 off your prescription.

For many men, Flomax can make a difference in one week.

Here is another one:

There are moments you look forward to, and you shouldn't have to miss out on them. Sometimes a bladder control problem can cause unwanted interruptions. It doesn't have to be that way. Overactive bladder is a treatable medical condition.

Enablex is a medication that can help reduce bladder leaks and accidents for a full 24 hours. Ask your doctor about Enablex.

Well, I have a couple dozen more.

Most people understand what this is because they have heard them all—things like: Go ask your doctor if the purple pill is right for you. They don't have the foggiest idea what a purple pill is for. They think that with all these scenes of trees and green grass and convertible cars and pillow clouds in the sky, if life is like that when you are on the purple pill, give me some purple pills. I mean, that is what this advertising is all about.

I don't mean to make light or fun of all of it. Prescription drugs are important in people's lives. I understand that. But you know what, you can only get a prescription drug if your doctor prescribes it and believes you need it. These advertisements are telling people sitting at home watching a television program tonight that you need to get up and go talk to your doctor and see if you don't need some of these pills. It is trying to create consumer demand for something you can get only because a doctor believes you should have it.

Well, that is where we are now with prescription drugs in our country. A lot of people are taking prescription drugs. A lot of these drugs are miracle drugs, and they allow people to stay out of a hospital. They don't have to be in an acute-care hospital bed if they manage the disease—whether it is high blood pressure, high cholesterol—with medicine. That is good, and I understand that. But this consumer demand-driven urge for prescription drugs is pretty unbelievable. Go talk to a doctor and ask that doctor what happens every single day in the doctor's office. Somebody is coming in and saying: I wonder if I shouldn't be taking some of this medicine. I read about it or saw the advertisement about this. I wonder if I shouldn't be taking some of it. It is quite a deal.

You produce all of this demand with dramatic amounts of marketing, promotion, and advertising, and then you jack up the price and keep it up. The question is, Who can afford these prescription drugs? Who can afford them?

So that is what brings me to the floor of the Senate today saying that when the American people are charged the highest prices for brand-name drugs—and this year, it goes up close to 10 percent once again in price—at a time when we have almost no inflation, isn't that pricing prescription drugs out of the reach of too many Americans?

We are now talking about health care reform. There is nothing in any of this legislation in the House or the Senate that addresses this question of the steep and relentless price increases on prescription drugs. There is nothing in any of this legislation that does that. The question is, Shouldn't we be addressing this as well?

I talked about Lipitor. Let me show you Plavix. Do you see the U.S. price? The U.S. consumer pays the highest prices in the world.

Here is Nexium. If you want to buy that, you get to pay $424 in the United States, and it is $41—one-tenth the price—in England, $36 in Spain, and $37 in Germany. The question is this: If Nexium is an FDA-approved drug—and it is—made in plants approved by our FDA—and it is—why should an American citizen not be able to access this drug from here, from here, and from here? It is because the pharmaceutical industry doesn't want them to. They have had enough friends here to keep in place a law that prevents the American people from reimporting these drugs. That is why.

That is what this amendment is about. This amendment says: Give the American people the freedom to access

FDA-approved drugs where they are sold at a fraction of the price.

Madam President, there is a lot to talk about, and I will describe a number of circumstances that have brought us to this point.

This is the place for this amendment—not some other place; this is the place. It is about health care. We have been told over and over again that our problem is that health care is consuming too large a portion of the GDP of this country—roughly 17.3 percent, I believe. All right, part of health care—not the largest part but one of the fastest growing parts is prescription drugs. So if the issue is that health care is rising in cost relentlessly and consuming too large a portion of our GDP because we spend much more on health care than anybody else in the world by far—it is not even close—if that is the case and if one of the fastest rising areas of health care is drug costs, then why would legislation that leaves this Chamber or the House of Representatives not include something that addresses these unbelievable price increases for prescription drugs? How is it that we would allow that to happen? I don't know how we got to this point without having it in the bill, but I aim to try to put it in.

I understand, by the way, that there is tremendous pushback by the pharmaceutical industry. If I had the sweetheart deal they have, I would fight to the finish to try to keep it. I understand that.

By the way, let me just say, as I have always said and nobody hears it very much—certainly the pharmaceutical industry will never hear this—that some of the things the pharmaceutical industry does for this country are laudable. I say, good for you. They talk about the prescription drugs they produce. Good for them. A substantial portion of that comes from research we have done and paid for at the National Institutes of Health with taxpayer funds. But that doesn't matter to me. That information ought to be available to the pharmaceutical industry—and it is—so they can produce these new miracle drugs. I commend them.

My beef is not that they produce pharmaceutical drugs that help people. I am all for that. My beef is the way they price those drugs, saying to the American people: You will pay the highest prices in the world, and there is nothing you can do about it. It is their pricing policy. It is just not fair.

How many in this Chamber have visited with somebody at a town meeting someplace—I have—and they come up to you—in this case, an elderly woman who was close to 80 touched me gently on the elbow and said, ''Senator DORGAN, can you help me?'' She was talking about how many prescription drugs she had to take, how little money she had to pay for them, and how she always had to try to determine what her rent cost was and how much groceries she could buy to determine how much she had left to pay for prescription drugs. How many people have said to you: Yes, I take the drugs my doctor asks me to take, but I cut them in half because I cannot afford the whole dose. We have all heard that. So the question is, Are we going to do something about it?

This is a chart that shows price increases in 2009. Enbrel, for arthritis, is up 12 percent. Singulair, for asthma, is up 12 percent. Boniva is up 18 percent. Nexium is up 7 percent.

I want to talk a bit about the issue of drug prices versus inflation. This chart shows what has happened to the price of prescription drugs, the red line, and the inflation rate in this country, the yellow line. It describes why it is urgent that we do something, why we cannot allow a health reform bill to leave this Chamber and do nothing about the issue of prescription drugs. We must at least address this question of whether the American people should not have the freedom to access these identical drugs where they are sold elsewhere for a fraction of the price.

This year, there was a 9.3-percent increase in brand-name prescription drug prices, at a time when inflation is going down. We have had deflation. That is not justifiable.

Madam President, I know we are going to have a lot of debate here in the Chamber about a lot of things. I will describe tomorrow morning, when I speak, that 40 percent of the active ingredients in U.S. prescription drugs currently come from India and China. And they are worried about somebody from Sioux Falls, SD, buying prescription drugs from Winnipeg. Are you kidding me? Again, 40 percent of the active ingredients in U.S. prescription drugs currently come from India and China. In most cases, the places those active ingredients come from have never been inspected.

I will talk about that, but I am not going to go into it tonight. I will talk about a number of issues related to drug safety of the existing drug supply and how what we have included in this legislation with respect to pedigree, batch lots and track and trace will dramatically improve the existing drug supply in our country and make certain we prevent safety problems coming from the importation of drugs.

I am going to speak about this at some length tomorrow. But I just received a letter from the head of the FDA, Margaret Hamburg, who raises some questions about the amendment. I am not going to read the letter into the RECORD. I will talk more about it tomorrow.

I must say, I am in some ways surprised by the letter and in some ways not surprised at all. Surprised, because this administration, President Obama, was a cosponsor of this legislation last year in the Senate—a cosponsor of my legislation. He was part of a bipartisan group that believed the American people ought to have this right and believed we could put together a piece of legislation that has sufficient safety capabilities and, in fact, dramatically enhances the safety of our existing drug supply.

I am going to show tomorrow that the existing drug supply has all kinds of issues. I will show batch lots of existing drugs that have gone through strip joints, in the back room in coolers, and distributed out of strip joints. I am going to talk about that. But, first, I wish to say I was surprised to get this letter because both the President and the Chief of Staff at the White House were a cosponsor in the Senate and a leader in the House for reimportation of prescription drugs.

I called the head of the FDA yesterday afternoon about this time and said: I have heard rumors that there was a letter coming to Capitol Hill on this issue. She told me she was not aware of such a letter. Twenty-four hours later, apparently she is aware of that letter because she signed it. I am interested in where it was written, but that is another subject I will save for tomorrow as well.

We will be told, as we have been so often, that if you allow the American people to buy prescription drugs that are FDA approved from elsewhere, it will be somehow unsafe. The implication is, we are not smart enough and we are not capable enough of putting together a system that the Europeans have had together for 20 years.

In Europe, they do this routinely. For 20 years, they have had something called parallel trading. You are in Germany and want to buy a prescription drug from Spain? No problem. You are in Italy and want to buy a prescription drug from France? No problem. They have a specific parallel trading system, and it works and works well.

I am going to describe, in the words of someone who has been involved in that system for many years, that the Europeans can do, have done it, do it today with no problems at all. Are people saying they can do it, they are smart enough, they are capable enough, but we are not? Give me a break. That makes no sense to me at all. Of course, we can do this.

It is just that those who do not want to do it have decided this current ''deal,'' which allows the pharmaceutical industry to price as they wish in this country and make certain the American people cannot do anything to get the lesser prices in other countries, lower prices for the identical drug, it means they will price this year up 9.3 percent, just this year alone. They will do whatever they want to price those prescription drugs and too often will price them out of reach of the American people. It is not fair to me. It does not make any sense to me.

I know some will view this as just an attack on the pharmaceutical industry. It is not intended to be that. As I said, I don't have a grievance against that industry at all. The only problem I have is the way they price their product, and I think it is not fair to the American people.

We are dealing with health care, which is a big issue and an unbelievably controversial issue. This is one piece of it—not even the biggest piece—but it is an important piece.

I have a lot to say tomorrow morning, and I will take substantial time. I know there are others who want to speak tonight. I wish to say this. I have watched and listened in this Chamber now for some while. I have not spoken a lot on health care. I have been pretty distressed about some of what has been said on the floor of the Senate. I especially have been distressed with the television ads that have been running that are unbelievably dishonest with respect to the facts. The first amendment allows all that. I would be the last to suggest we ought to alter the first amendment.

This is a great country in which we live. Over the last century, for example, we have made a lot of changes, and in most every case—in most every single case—the changes have been unbelievably painful.

I think of the Presiding Officer and think of the period in which the women in this country wanted the right to vote and were taken to the Occoquan Prison and beaten. Lucy Byrne and Alice Paul, they nearly choked to death one of them; the other hung with a chain from a prison door all night long with blood running down her arms. Why? Because they wanted the right to vote. Think of the pain of that.

Now we look back and say: How could anybody have decided we are all Americans except women do not have full participation because they cannot vote? Think of that. You can go right up the line. Social Security: a Communist socialist plot. Medicare: What are you thinking about? A takeover of health care for senior citizens.

I bet there is not—I was going to say I bet there is not one. I shouldn't say that. I bet there are not more than two or three people in this Chamber, if we said: Let's get rid of Medicare, who would say: Yes, let's do that. Almost everybody believes that providing health care for senior citizens was the right thing to do.

There were no insurance companies in the fifties and early sixties that said: Here is our business strategy. Our business strategy is to go look for old people and see if we can't sell them health insurance because we think that would be a very good deal. They were not doing that. They would not even make health insurance available to a lot of old folks because they know, somewhere toward the end of their lives, they were going to need a lot of health care. One-half of the senior citizens in America had no access to health care. Think of that—lie down on your pillow at night frightened that tomorrow might be the day you have this dreaded disease and you have no coverage to see a doctor or go to a hospital. It is unbelievable.

So some people in this Chamber said: Let's do Medicare. Man, that was radical. People said: Socialist plot, government takeover. But we did it. I was not here. They did it—God bless the ones who did it—and it enriched this country, to say all those who lived their lives and built the roads and built the schools and built the communities and left a better place for us: You are not going to have to lay awake at night frightened about your health care; we are going to provide health care for you.

All these issues have been difficult, draining, wrenching issues, and they have all provoked great criticism and great anger, in many cases. This issue of health care brought to the floor of the Senate—I, perhaps, would have a different view of what is the priority.

I have spent most of my time saying: The economic engine, restart the engine, get people back to work. But that does not mean health care is not important. It is. Health care continues to gobble up more and more of this country's economy. At some point, somebody has to say: How do we stop that? If we are spending much more than anybody else, how do we fix this?

That is what this is about. It is going to take some courage to do it. One piece of it is this issue of prescription drugs and pricing. Some of us have been working on this for a long time. The breadth of the support of this issue in this Chamber extends from the late Senator Ted Kennedy, who sat in that seat back there—and God bless his memory—to JOHN MCCAIN over there; it extends to Senator CHUCK GRASSLEY, DEBBIE STABENOW, AMY KLOBUCHAR—a whole series of Republicans and Democrats who have come together to say: You know what, let's make sure there is fair pricing of prescription drugs for the American people.

We are not asking for anything other than fair pricing. How do you get it? My goal is not to ask the American people to buy their prescription drugs overseas. My goal is to say, if we allow the American people the freedom to do that, the pharmaceutical industry will be required to reprice their drugs in this country. It is as simple as that.

I know others wish to speak. As I said, I have a lot to say tomorrow. I am going to go home kind of upset about this letter today from the FDA, which is, in my judgment, completely bogus. I will read it tomorrow. I am not surprised. I expected this. I heard rumors about it.

Tomorrow my hope is with my colleagues—Republicans and Democrats—we will pass this legislation at last, at long last. Many of us have been working on this issue 6, 8, 10 years. We will pass this legislation. Why? Because this is the place for it. This is the bill that should be amended. This is the time to do this. We cannot walk out of this Chamber and say something happened in that Chamber to deal with health care. But did you do something about prescription drugs? No, no, we couldn't do that, couldn't do that. This is not the way I want this to end, and it is not the way it has to end if enough of us have the courage to take on this fight.

As I said, I will have a lot more to say tomorrow morning. I appreciate the indulgence of my colleagues to listen tonight about why we have offered this legislation.

I started and let me finish by saying this is broadly bipartisan. It is, first and foremost, a Dorgan-Snowe bill. Senator DORGAN—myself—and Senator SNOWE from the State of Maine, but many others—my colleague, Senator GRASSLEY, who is on the floor, Senator MCCAIN, who spent a lot of time on this issue—Republicans and Democrats have come together.

By the way, this has not happened very often on this bill. But this is a bipartisan bill with Republicans and Democrats pulling their oars together to try to get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, before the Senator from North Dakota leaves and before I speak on another issue, I wish to tell him I am going to speak in support of his amendment. But I would like to ask him a question now, if he will answer it for me—a friendly question, but it is something I don't know absolutely for sure, but I believe that pharmaceuticals are about the only thing a consumer in the United States cannot buy anywhere in the world that they want to buy. We ought to give them that same right we do on everything else. There may be some other items I am not aware of, but I think it is only pharmaceuticals that you cannot import from wherever you want to buy them.

Mr. DORGAN. Madam President, I say to the Senator from Iowa, that and Cohiba cigars from Cuba, I reckon. We have a special embargo with respect to Cuba. With that exception, I don't think there is a legal product the American consumer cannot access anywhere else in the world.

This is about giving the American consumer the freedom that the global economy should offer everybody. The big shots got it. The big interests can do it. How about the American people having the opportunity to shop around the world for the same product and pay a fraction of the price of the charges that are imposed on them in the United States.

Mr. GRASSLEY. I thank the Senator from North Dakota.

I would like to talk about a recent news——

Ms. KLOBUCHAR. Madam President, we had a unanimous consent agreement. I am trying to figure out the order.

The PRESIDING OFFICER. Under the previous order, the next speaker is to be the Senator from Minnesota, followed by the Senator from Delaware.

Mr. GRASSLEY. I ask unanimous consent to speak now, if I may.

The PRESIDING OFFICER. Is there objection?

Mr. KAUFMAN. Will the Senator yield for a question? How long will the Senator be?

Mr. GRASSLEY. Fifteen minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I believe our speeches are 10 minutes long. If the Senator from Iowa could wait for 10 minutes, then we will be able to complete our speeches, as recognized by the Chair.

Mr. GRASSLEY. I will let the Senators speak, and I will speak tomorrow because I have to go to a meeting. I will let the unanimous consent agreement stand.

Ms. KLOBUCHAR. I was not aware the Senator from Iowa had to leave. If he can keep it to 10 minutes, that would be helpful.

Mr. GRASSLEY. I cannot keep it to 10 minutes, and I cannot shorten it. So I will let the unanimous consent agreement stand.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, the Senator from Minnesota and I are going to engage in a colloquy.

We rise to talk about health care fraud enforcement. It is no secret fraud represents one of the fastest growing and most costly forms of crime in America today.

In no small part, our current economic crisis can be linked to financial fraud, starting with unchecked mortgage fraud generated by loan originators through securities fraud that hastened the eventual market crash and maximized its impact on Main Street and the average American investor.

In response, this body passed the Fraud Enforcement Recovery Act, which directed critical resources and tools to antifinancial fraud efforts. I was proud to work on FERA with my friend from Minnesota, a former prosecutor, who understands both the harm that financial fraud causes ordinary Americans and the importance of deterring criminal behavior before it happens.

Ms. KLOBUCHAR. Madam President, I thank Senator KAUFMAN. Before I begin, I wish to, first, acknowledge the amendment that has been offered by Senator DORGAN on drug reimportation, something I support and I know Senator KAUFMAN supports as well. We look forward to talking about that amendment in the days to come.

The bill Senator KAUFMAN referred to, the Fraud Enforcement and Recovery Act, was passed in response to an unprecedented financial crisis.

I was proud to work on that bill in the Senate Judiciary Committee along with Senator KAUFMAN.

But Americans should expect Congress to do more than simply react to crises after their most destructive impacts have already been felt. We are always coming in after the fact and putting out the fire. That is not what we want to do. We owe it to our constituents to be proactive, to seek out and to solve problems on the horizon so that financial disasters can be averted.

In the midst of the debate concerning comprehensive health care reform, we must be proactive in combating health care fraud and abuse. Each year, criminals drain between $72 billion and $220 billion from private and public health care plans through fraud, increasing the costs of medical care and health insurance and undermining public trust in our health care system. Think of all the money wasted—$72 billion to $220 billion each year—drained by criminals, that could be going to our seniors, that could be going for care.

Let me give a couple of examples, Senator KAUFMAN, of the kinds of fraud we need to address. On June 23 of this year, eight individuals were indicted in Miami for cashing $30,000 to $80,000 several times a week at two check-cashing facilities they owned themselves. These crooks defrauded the U.S. health care system by creating a phony clinic that churned out medical bills in five States. They were not providing health care. They were phony clinics. Federal prosecutors announced this on Tuesday.

Some of the purported clinics were empty storefronts with handwritten signs while others existed only as post office boxes, but none provided any actual medical services, according to prosecutors. By the time they were caught, in this one incident, this one group of con men, had bilked the government of $100 million. That is $100 million at a time when our taxpayers are trying to save every dime, while they are holding on to their jobs and trying to pay their bills. This one group of con men—$100 million.

Here is another example. In November of 2007, the Department of Justice indicted a woman for billing Medicare for motorized wheelchairs that beneficiaries didn't need and for children's psychotherapy services never provided. According to the indictment, the woman then laundered the money through a Houston check-cashing business, cashing several Medicaid checks each for more than $10,000. Those are just examples of what we are dealing with.

Mr. KAUFMAN. I say to the Senator, those are sobering examples of the kinds of fraud we must stop. As we take steps to increase the number of Americans covered by health insurance and to improve the health care system for everyone—and we will do that—we must ensure that law enforcement has the tools it needs to deter, detect, and punish health care fraud.

The Finance and HELP Committees, as well as leadership, have worked long and hard to find ways to fight fraud and bend the cost curve down, and they have done a great job. But there is more work to be done. That is why Senator KLOBUCHAR and I, along with Senators LEAHY, SPECTER, KOHL, SCHUMER, and HARKIN, have introduced our health care fraud enforcement, No. 2792.

Ms. KLOBUCHAR. What I like about the amendment is it will protect our increased national investment in the health of Americans. We have decided Americans should be covered by health care; that people shouldn't be thrown off of their health insurance by preexisting conditions. The way we protect that investment, and the way we make sure the funds are there to help people, is by doing things such as increasing the tools we need to prosecute these kinds of cases.

These criminals scheme the system to rob the American taxpayers of money that should be used to provide health care to those who need it most. We must put a stop to this, and we are doing that with this amendment. It provides straightforward but critical improvements to the Federal sentencing guidelines, to health care fraud statutes, to forfeiture, money laundering, and obstruction statutes, all of which would strengthen prosecutors' ability to combat health care fraud.

As a former prosecutor, I can tell you that when we had these types of cases, we used every tool you could use to push someone to plead guilty, every tool you could use to make sure you got the maximum sentence so a message would be sent not just to that particular criminal but to other white collar offenders who thought this might be a quick way to make a buck. They need to hear they can be caught and they will go to jail.

I know Senator KAUFMAN has worked on this and is taking a lead, and perhaps he can provide the details on this amendment.

Mr. KAUFMAN. Sure. This amendment directs a significant increase in the Federal sentencing guidelines for large-scale health care fraud offenses. It is incredible that despite enormous losses in many health care fraud cases, analysis from the U.S. Sentencing Commission suggests that health care fraud offenders often receive—and I know this is hard to believe—shorter sentences than other white collar offenders in cases with similar loss amounts. For some reason, people think health care fraud is kind of okay.

Ms. KLOBUCHAR. If people knew this, they would be shocked. In health care fraud, you are taking money from people who need it most—when they are at the hospital—and yet they would have shorter sentences than other types of fraud.

Mr. KAUFMAN. There is data to show that criminals are drawn to health care fraud, when they are sitting around deciding what kind of fraud they are going to do, because the risk-to-reward ratio is so much lower. That is ridiculous. We need to ensure these offenders are punished not only commensurate with the costs they impose on our health care system but also at a level that will offer real deterrence. People have got to understand they can't go out and commit health care fraud.

There are so many different ways it can be presented; that if in fact they do

it, they are going to get real time for the crime. As a result, our amendment directs changes to the sentencing guidelines that, as a practical matter, amount to sentence increases of between 20 and 50 percent for health care fraudsters stealing over $1 million.

Ms. KLOBUCHAR. The other thing that is great about this amendment is it updates the definition of ''health care fraud offense'' in the Federal criminal code so it includes violations of the anti-kickback statute, the Food and Drug and Cosmetic Act, and certain provisions of ERISA. These changes will allow the full array of law enforcement tools to be used against all health care fraud.

The amendment also provides the Department of Justice with subpoena authority for investigations conducted pursuant to the Civil Rights for Institutionalized Persons Act—also known as CRIPA. Under current law, the Department of Justice must rely upon the cooperation of the nursing homes, mental health institutions, facilities for persons with disabilities, and residential schools for children with disabilities that are the target of these CRIPA investigations. While such targets often cooperate, they sometimes do not, and the current lack of subpoena authority puts vulnerable victims at needless risk.

Finally, in addition to the very important piece of this amendment that Senator KAUFMAN has pointed out—where we are actually increasing the ability to get better criminal penalties—the amendment corrects an apparent drafting error by providing that obstruction of criminal investigations involving administrative subpoenas under HIPAA—the Health Insurance Portability and Accountability Act of 1996—should be treated in the same manner as obstruction of criminal investigations involving grand jury subpoenas.

Senator KAUFMAN and I also plan to file an additional health care fraud amendment that would require direct depositing of all payments made to providers under Medicare and Medicaid. This amendment is incredibly important because the Medicare regulations already require direct depositing or electronic transfer, but these regulations have not been uniformly enforced and criminals are taking advantage of this system.

Again, I ask the question: Why would we want this money—$60 billion estimated for Medicare fraud alone—to be going to con men and crooks, people who are setting up fake storefronts with fake signs that say doctor's office, instead of to the hard-working people in this country who can hardly afford their health care insurance? It is an outrage.

That is why I am so glad Senator KAUFMAN would take the leadership here, that we have a group of us who were prosecutors working on this in the Judiciary Committee to include this in the health care reform bill, because Americans have waited too long for these kinds of changes.

Mr. KAUFMAN. That is a great amendment that I think will be a big help in terms of cutting down this fraud, and that is what we are all about. This is a bipartisan issue, if there was ever a bipartisan issue. I don't know of anyone who doesn't think we have to do more in terms of health care fraud. When we have $70 billion to $220 billion a year in health care fraud, we have to do everything we can to stop it.

As we consider and debate meaningful health care reform, we must ensure that criminals who engage in health care fraud—and more importantly those who contemplate doing so—understand that they face swift prosecution and substantial punishment.

When the time comes, Senator KLOBUCHAR and I, along with our fellow cosponsors, will urge our colleagues to support these amendments.

Madam President, I yield the floor.

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. KAUFMAN. 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. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

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

AFGHANISTAN STRATEGY

Mr. KAUFMAN. Madam President, I rise today to speak about the Afghanistan strategy President Obama announced last week. The dilemma facing the President and our national security team in Afghanistan is one of the most complex and difficult I have seen in more than three decades of public service.

President Obama's speech laid out a bold plan, and he has been both deliberative and courageous in his approach. At the same time, I share the concerns of many Americans about the challenges that lie ahead for our troops. Sending young men and women into harms way is the most difficult choices we must face. Each life lost is one too many.

The decision in Afghanistan is especially difficult because four primary questions remain. The first question is do we have a trusted and effective partner in President Karzai? No matter how many troops we deploy, we cannot succeed with an Afghan government plagued by corruption.

The second question is to what length is Pakistan willing to go to help? We cannot defeat al-Qaida and degrade the Taliban without Pakistan's support.

The third question is can we accelerate the training of Afghan National Security Forces? Today, there are too few Afghan security forces to clear and hold against the Taliban, and they are not capable of taking over from U.S. troops. And in light of the President's 18-month deadline, it is clear that self-sufficiency for the Afghans is not optional; it is mandatory. Secretary Gates confirmed for me in last week's Senate Foreign Relations hearing that July 2011 is a firm deadline. In 18 months, we will begin our withdrawal and we will not send additional troops after this time. This was reiterated by Secretary Clinton and Chairman of the Joint Chiefs Mullen.

The fourth question is do we have enough qualified U.S. civilians in Afghanistan to partner with the Afghan people in promoting governance and economic development? We must send even more and ensure that the ''civilian surge'' extends to all 34 provinces, so they can partner with Afghans in the field.

I visited Afghanistan in April and September and had the opportunity to speak with our military and civilian leaders, President Karzai, and numerous Afghan ministers. I traveled to Helmand and Kandahar Provinces, and met with local government officials and tribal elders at a ''shura,'' or community council. What I heard from the Afghan people was frustration with their government's inability to provide security, administer justice, and deliver basic services. They welcomed international assistance in the short-term but sought improved security and governance. Most importantly, they wanted control transferred to Afghan security forces once they were capable of holding against the Taliban themselves.

Since returning from Afghanistan, my No. 1 concern has been the ability of the Karzai government to be an effective and trusted partner. In his second term, President Karzai must eliminate corruption, strengthen rule of law, and deliver essential services in order to win the trust of the Afghan people. Ultimately, the battle is not between the U.S. and the Taliban. It is a struggle between the Afghan government and the Taliban, and the fight must be won by the Afghans themselves. The notion of a corrupt government has emboldened the Taliban and further undermined trust between President Karzai and his people. President Karzai must translate promises in his inauguration speech into action, because increased government transparency and accountability is absolutely critical.

For me, the key point in President Obama's speech was that our military commitment is not open-ended. In July 2011, we will begin our troop drawdown. This has created an 18-month deadline for progress, injecting a sense of urgency to our mission that has been missing for the past 8 years. It sends a message that the clock is ticking for the Afghan government to eliminate corruption. They will no longer get a ''blank check'' because the time for action is now. On the security front, the

Afghan National Army and Police have no choice but to assume greater responsibility given the certainty of a U.S. withdrawal.

As President Obama outlined, Pakistan is central to this fight. We cannot succeed without its cooperation because developments in the region are inextricably tied to both sides of the border. After my April visit, I was concerned about the Pakistani commitment. When I returned in September, however, I was impressed by the Pakistani military's decision to go after elements of the Taliban in the Swat Valley and South Waziristan. At the same time, Pakistan must take action against the Afghan Taliban and al-Qaida, which continue to find safe haven in Pakistani tribal areas. If extremists continue to operate freely between Afghanistan and Pakistan, it will undermine security gains made on the Afghan side of the border. And the stakes are even higher in Pakistan, which has both nuclear weapons and delivery vehicles.

In Afghanistan, we must break the momentum of the Taliban by improving security and strengthening our ability to partner with the Afghans. That is why I support efforts to accelerate the training of Afghan National Security Forces, ANSF. I am concerned that the President's goal of increasing the Afghan Army to 134,000 in 2010 does not go far enough in building the capacity of the ANSF. By comparison, Iraq—a geographically smaller country with the same sized population—has 600,000 trained security forces. This is why we must accelerate our targets for building the army and improve the capability of the police, which has faced even greater challenges in terms of corruption, incompetence, and attrition.

Finally, our success in Afghanistan depends on more than troops—we need an integrated civilian-military strategy in order to sustain progress. Many dedicated U.S. civilians continue to serve in Afghanistan, and we must further augment these numbers and ensure they can directly interact with Afghans in the field. Given their role as a force multiplier for the military and international nongovernmental organizations, NGOs, this is an area where we must channel even more resources and people in the near term. We need a stronger civilian capacity, because counterinsurgency cannot and should not be conducted with the military alone.

Over the coming months, I will closely monitor our progress in Afghan governance, partnering with Pakistan, building the Afghan National Security Forces, and increasing the U.S. civilian surge. Improvements in these areas are critical to our overall success in Afghanistan, and will determine when our brave men and women in uniform can return home.

I yield the floor.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The Senator from Alabama. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I see my good friends, Senators KAUFMAN and KLOBUCHAR, had talked about actions we could take to deal with fraud in health care. I support that. I had the opportunity in the past, as U.S. attorney, to lead a group that would do that. But something is troubling me today a great deal. I am uneasy about it. It goes to the heart of how the legislation that is before us today has been put together.

Earlier today, we had Senator MCCAIN offering an amendment to say that every State should have the same policies with regard to Medicare Advantage that the State of Florida will under this bill. Presumably, that was an effort to gain some support. We have seen other situations such as that with Louisiana and other places getting special advantages.

Let me tell you about something that is particularly troubling to me. It was written about by Robert Reich, who was Secretary of Labor in President Clinton's Cabinet. He is a prolific writer about economic and health care matters. He starts his Sunday August 9 article this way on his blog. It says:

> I'm a strong supporter of universal health insurance—

He is not pulling any punches there. He believes in a single-payer government policy. Then he goes on to say—

> and a fan of the Obama administration. But I am appalled by the deal the White House has made with the pharmaceutical industry's lobbying arm to buy their support.

That is a pretty serious charge. He goes on to say:

> Last week, after being reported in the Los Angeles Times, the White House confirmed it had promised Big Pharma that any healthcare legislation will bar the Government from using its huge purchasing power to negotiate lower drug prices. That's basically the same deal George W. Bush struck in getting the Medicare drug benefit, and it's proven a bonanza for the drug industry.

I will say, as I recall, that Mr. Reich was a critic of that at the time. Right or wrong, it was done and he was a critic of it. I give him credit for it. He said a continuation of that would be an even larger bonanza. He goes on to describe why he thinks it is a bonanza.

Right or wrong, as a matter of policy and so forth, it is no doubt that is something Big Pharma would like. He goes on to say this:

> In return, Big Pharma isn't just supporting universal health care. It's also spending lots of money on TV and radio advertising in support. Sunday's New York Times reports that Big Pharma has budgeted $150 million for TV ads promoting universal health insurance, starting this August—

I am quoting him—

> (that's more money than John McCain spent on TV advertising in last year's presidential campaign), after having already spent a bundle through advocacy groups like Healthy Economies Now and Families USA.

I don't know what has happened. There is a memorandum in, I believe, one of the blogs here, the Huffington Post. That is supposed to be the memorandum that documents the agreement. I don't know what the facts are, but I know this, it is not a healthy thing, as somebody who has been involved in Federal law enforcement, for a government official, under color of right, to say to a private individual that you will help me with an advertising campaign and spend your private money, or I will do you a favor in exchange for an $150-million television campaign.

I wish to tell you that is not good. That is beyond the pale. If things such as this have been done in the past, it is not the kind of thing that ought to be continued. I think it is a big deal.

The New York Times has reported, as they go forward:

> Shortly after striking that agreement, the trade group—the Pharmaceutical Research and Manufacturers of America, or PhRMA—also set aside $150 million for advertising to support health care legislation.

I am quoting a New York Times article by Duff Wilson.

> But an industry official involved in the discussions said the group and its advertising money would now be aimed specifically at the approach being pushed by Mr. Baucus, Democrat of Montana and chairman of the Senate Finance Committee.

Is that the way this thing is being done? I hope not. I will examine these circumstances in more detail, but I would like to say, right now and today, that I am not happy about it. I don't like the looks of it, it doesn't smell good to me, it does not strike me as something that is legitimate, and I think maybe we need to find out more about it, frankly.

I wish to share with my colleagues a fundamental concern I have with this health care bill. Supporters of the bill have made a great deal of promises. They alleged it would do a lot of very great sounding things, and we were asked to support it on the basis of their promises. But a careful examination of the legislation shows it fails to deliver on almost all the major promises it made and is likely to cause a great deal of adverse, unanticipated consequences. As a result, I think the American people have intuitively understood this; that is, why they are so strongly opposed to it. They cannot imagine why the leadership of this Senate continues to try to push down on their brow this piece of legislation that does not do what it promised to do.

For example, the sponsors of the legislation say the bill's total cost is $848 billion. However, they do not begin the benefits of the bill until 5 years after enactment and that $848 billion is the cost of expenditures over 10 years. So

when you move forward to when the benefits actually start for those who will be receiving them and go 10 years from that point, the total costs are not $848 billion, they are $2.5 trillion. That is a huge difference. It is a monumental difference. It is a difference so large I cannot understand how we can, with a straight face, try to contend that we have a sound budget-minded bill that is going to cost $848 billion, and we have tax increases of about half of that, and raids on Medicare for about half of that and that is how we are going to pay for it. It is not working in that way, in my view.

Another promise for the bill that was made by the President in the joint session to the Congress, he said this:

This bill will not add one dime to the deficit.

That is just not accurate. You can make anything deficit neutral if you pay for it by slashing Medicare and taking the money from Medicare to pay for it. Or you can make a bill be deficit neutral if you raise enough taxes. So they are raising $494 billion in taxes. They are cutting Medicare by $465 billion. That is the plan.

They claim they have a $130 billion surplus. So don't worry about the budget. We have created a bill that is going to reduce the deficit. That is what they have said repeatedly.

But they forgot something. They forgot we have to pay our physicians. That was always supposed to be part of health care reform. In fact, the physician groups were told they were going to be paid. But under this bill, to show you how it has been doctored—and this has been done before, Republicans have participated in this in the past, and it has been something that has been going on for a decade, but it is really relevant today, particularly in this legislation because this legislation was supposed to fix this problem—they keep the physician rates slightly above last year's rate for 1 year. Then for 9 years in the 10-year budget, they assume that doctor payments, physician reimbursements are going to be cut 23 percent. That is unthinkable.

We are not going to cut physicians 23 percent. We can't cut the physicians at all because they are already wondering whether they will continue to take Medicare patients and, even more so, Medicaid patients, where they get paid less.

We could have a mass walkout of physicians who couldn't afford to see seniors if we were to cut their pay by 23 percent. In fact, we are not going to do that. We all know this. So what did they do? I know they were meeting down in the hallways somewhere, and they were plotting out this bill. They said: The President said it will not add to the debt. What are we going to do? The numbers don't add up. We can't raise taxes any more. We can't cut Medicare any more. We have done all we can do. What are we going to do?

So what they obviously decided was to take the physician pay portion of the bill out, that one that would have fixed this aberrational law we have that requires it to be cut 23 percent, and so they put it in a separate bill. Every penny of this separate bill would be paid for by increased debt, so not really paid for at all. They offered that bill on the Senate floor, and it got voted down because Republicans all voted against it as being utterly fiscally irresponsible. Enough Democrats joined in to kill the bill. They wouldn't support it either. A number of Democrats know the budget has to have some rationality. So they failed to do that.

But if you put the doctor fix in, you are increasing the costs of the bill by $250 billion, so the $130 billion surplus is reduced to a $120 billion deficit. So it does add to the deficit. It adds more than one dime to the debt; it adds $120 billion to the debt.

Another fiction was their promise that they would fix the physician payments and make a permanent policy of paying them so every year they wouldn't have to run to Congress and hire lobbyists to come here and meet with Senators to beg them not to have a 23-percent cut. That happens every year. It is ridiculous. But this bill does not deal with that. It only has a 1-year fix, and for 9 years it is reduced just like it has been done in the past. There is no reform in that part of health care that needs to be done.

Another fiction is that they are not cutting Medicare benefits. They say: We are not cutting Medicare benefits. We are cutting that bad old Medicare Advantage that 11 million seniors are benefiting from and enjoy and participate in. They are cutting that $100-plus billion which is about one-fourth of what the cuts to Medicare are. They say that is not truly cutting Medicare. But that clearly is cutting Medicare because Medicare Advantage is part of the Medicare Program. It is cutting Medicare. However you feel about Medicare Advantage, this is a cut to Medicare Programs that millions of seniors favor.

That is why Florida didn't want to have their Medicare Advantage cut. So they got a special deal in this legislation. Everybody else in America won't get that. They want to keep it.

Let's go on a little bit further just to show you why the American people are unhappy with Congress. They have a right to be unhappy. People say: Those people out there at the tea parties and townhall meetings, they were just upset. They are poor Americans. They are not good Americans. Good Americans would come in and say: How much more money can we give you, big government, to take care of all our needs from cradle to the grave?

The people at the tea parties understand the kind of games that are being played here. They understand the cuts to home health care, to hospice programs, to hospitals, the hospitals that care for a disproportionate share of the poor people, and the $23 billion from just general Medicare accounts represent cuts to Medicare, which is our seniors program.

How is it, then, that we have this disagreement? How is it possible that you can't agree on where $465 billion comes from? The sponsors of the bill, this is what they say. They say: We promised we wouldn't cut Medicare benefits. Any guaranteed benefit any senior citizen has, we promised not to cut it. All we are doing is cutting the providers, the people who provide the benefit.

Give me a break. So you come in and you cut hospice, nursing homes, other providers, $118 billion from Medicare Advantage, $192 billion from the hospices, nursing homes, and other providers, $43 billion from hospitals that serve a disproportionate number of poor and uninsured, $23 billion from unspecified Medicare accounts, and that this doesn't weaken Medicare. If we could cut that, why haven't we done it already? If this didn't reduce the quality of care for seniors, if we could reduce these hospitals and others and they could still provide care to our seniors, why haven't we done it already?

Mike Horsley, head of our hospital association in Alabama, tells me that as a result of an abominable wage index program that helps to determine how much hospitals get paid primarily and lien payments in general, two-thirds of the hospitals in Alabama are operating in the red. They don't need to be cut any more.

I guess what I would say is, this is the way the game has been played. My colleagues are saying we are not cutting guaranteed benefits. We are just cutting the money from the people who provide the benefits. How many of them are going to keep doing so, as the CMS Actuary's report questioned? How many of those will give it up?

Fiction No. 6—I have 10, and I will not go through all of them tonight—is that hospitals that treat the poorest and sickest will somehow be better off under this program. But they are not feeling that way. They are not feeling they are going to make up for the fact that the hospitals that qualify as disproportionate share hospitals, those who serve a high percentage of individuals who are very low income or who have no insurance, they are going to lose $43 billion in cuts under this bill. These hospitals that provide so much charity care and provide a safety net in the communities are going to suffer under this legislation. They are telling me that. I don't know who in Washington may say they are not, but that is what they are telling me. I think they are telling the truth.

Fiction No. 5 is that average family premiums are going to decrease. Have you heard that through this proposal? Senator EVAN BAYH asked the CBO about this, and they said families who do not receive coverage from their employer would see their premiums rise ''about 10 to 13 percent higher by 2016'' than under the current law. The ones who claim they are seeing some reductions, those reductions are only the

slightest reduction, less than 3 percent in most cases, of the 5- or 6-percent increase expected to occur every year under current law.

So instead of going up 5.56 percent, it goes up 5.41 percent. They are claiming, I guess, that is some sort of cut. But it is misrepresentation to say that family premiums are going to decrease, when people who are not in group health plans through their employers are the ones who are going to see the largest increases, perhaps 10 to 13 percent by 2016, more than would occur under present law.

I am pleased to be able to serve in the Senate with Senator GRASSLEY who chaired the Finance Committee, is ranking member now, who does over 100 townhall meetings a year or something in the counties in Iowa. He met with thousands of people and got the same message I got, which is you people are irresponsible. The debt is surging and will double in 5 years, the whole debt of America, and triple in 10. I want to say that the American people are concerned about this. Senator GRASSLEY worked so hard to see if he could get a bill that would be bipartisan, that we all could support, or large numbers of the Senate could support. But we got off track.

I talked to one person who dealt with this issue. He said the way things got off track was that we abandoned ways to legitimately contain costs increases. The way to create more competition, the more personal stake in your health care, other things that would actually help reduce the cost of health care, is what we got away from, and it became driven by President Obama's determination to have a government option. That, in my estimation, may have been the decisive event in the negotiations breaking down.

This is a serious piece of legislation. It seeks to alter one-sixth of the American economy. It does not do what it promises. It surges spending. It increases taxes dramatically. It represents a major governmental takeover and will ultimately undermine the special relationship between patients and their doctors. It will also substantially threaten the viability of Medicare. This money that is being taken out of Medicare will only accelerate its insolvency. By 2017, Medicare—I believe Senator GRASSLEY will agree—is expected to go into default. It will go down rapidly, actually.

Is that correct, Senator GRASSLEY, that by 2017, under current law, Medicare is projected to go into default and go rapidly into default, and if we could save any money out of Medicare, if we can save $400 billion, shouldn't it be kept in the Medicare Program to try to extend its life and make it a viable program that seniors can rely on rather than creating a whole new spending program with that money?

Mr. GRASSLEY. Mr. President, if the Senator is asking me that question, I will tell him that he is absolutely right, not based upon what I say or what the Senator says, but every spring the trustees of Social Security and Medicare look ahead 75 years and they predict what the income and the outlays are going to be based upon the population and the projected growth of the economy and all that stuff. Right now, they are projecting $37 trillion of shortfall over that 75-year period of time. They already told us, and it has materialized, that in the year 2008 we started paying more money out of Medicare than was coming into Medicare, and by the year 2017, as the Senator correctly stated, the trust fund will be out of reserves.

Mr. SESSIONS. So we are spending the reserves in Social Security, which will be exhausted by 2017.

Mr. GRASSLEY. In Medicare.

Mr. SESSIONS. Medicare. Excuse me.

I am going to yield the floor to Senator GRASSLEY. I say to the Senator, I appreciate your leadership and insight into this issue. I value your whole approach to it. I think most Americans—if they understood this information as the Senator does and as the Senator has articulated, the opposition to the bill would be even greater than it is.

I urge my colleagues to examine the fact that the bill simply does not do what it sets out to do. It does not meet its promises, and as a result, we absolutely should not go down this road to a major Federal takeover of health care, with ramifications that go far beyond what it might appear today.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I had a chance to hear a great deal of what the Senator from Alabama said. I think I would highlight that what he said is what he is hearing from the grassroots of his State, which is very much what I hear from the grassroots of my State: people are very concerned about this piece of legislation leading to the nationalization of health care, similar to what they have seen this administration previously do this year with the nationalization of General Motors, partial nationalization of the financial system—a big deficit. And then they see the money being spent on this bill—$2.5 trillion after it gets fully implemented. And where are you going to get money? And what is that going to do to the economy? And, more importantly, what sort of a legacy is that leaving to our children and grandchildren?

He also correctly stated that I do visit every county every year. The number of counties the Senator had was just a little bit high. We only have 99 counties. But for the 29 years I have been in the U.S. Senate, I have held a town meeting in each one of our counties every year. So I do have the benefit of 2,871 town meetings as a basis for suggesting what people tell me face to face, besides the large number of phone calls we get.

You cannot believe the number of phone calls that are coming in now, the number of e-mails we are getting—historically high. I have never had that before on any issue. I assume it is the same for the State of Alabama, contacting their two Senators as well.

Mr. President, I rise to bring up an issue that is a relatively new issue in this debate, as in the secrecy of the negotiations that are going on around Capitol Hill on the issue of health care reform. These secret negotiations actually started about October 2 when Senator REID, the leader, had to merge the bill out of the Senate Finance Committee and the bill out of the Senate HELP Committee into one bill. It took a long period of time to do that.

We are in the second week of debate. I hope people realize that 99 Senators ought to have the same privilege that 1 Senator had of getting a grasp of this huge 2,074-page bill. There are still negotiations going on because the leader still does not have locked down the 60 votes that it is going to take to get to finality.

So some of these discussions are: what can we do to get a few votes if we do not have a so-called public option? And the latest of that is: Well, allow people to buy into Medicare. So I want to speak about that issue because it sounds pretty simple. It may get 4 more votes and may get 60 votes, but it is bad. It may be good politically, but it is bad for Medicare and particularly for Medicare in rural areas where we have a difficult time keeping hospitals open, and we have a difficult time recruiting doctors in rural America.

So I would talk about the recent news reports of a proposal being concocted behind closed doors to allow 55- to 64-year-olds to buy into the Medicare Program. Supposedly, this idea has been put on the table to get the votes for supporters of having a brandnew government-run health plan and the people who do not like that.

Back in the spring, such a proposal came up during the early stages of our Finance Committee's health care reform efforts. The idea was originally proposed by President Clinton even going back to 1998. I opposed such a proposal back then, and I oppose such a proposal now. I oppose the proposal because of its negative effect on the Medicare Program and our senior citizens who use Medicare.

The best way to describe the effect of this proposal on the Medicare Program and its beneficiaries is to quote former Senator Phil Gramm of Texas when he was asked about President Clinton's proposal when President Clinton put that proposal on the table back in 1998. Senator Gramm said this about President Clinton's proposal, which would be applicable today as our colleagues are studying it:

> If your mother is on the Titanic, and the Titanic is sinking, the last thing on Earth you want to be preoccupied with is getting more passengers on the Titanic.

Since its inception in 1965, the Medicare Program has helped ensure senior

access to health care. But, as the Senator from Alabama and I were just discussing, the problems with health care and Medicare are such that Medicare is already under extreme financial pressure. So why would you load more people into a system that Senator Gramm of Texas was referring to as the Titanic? You would not load more people on it as it was going to sink.

This is not to say that this entitlement program, Medicare, is not in need of improvement, but having the 36 million Americans who are age 55 to 64 buy into the program is not an improvement. Even groups supporting the Reid bill, such as the AARP, are pointing out the severe shortcomings of such an approach.

Last summer, the AARP Public Policy Institute published an analysis of the Medicare buy-in concept. In their report, the AARP points out the potential for increased Federal entitlement spending. AARP said:

> Expanding the program to more people could raise federal spending even further if their care is made affordable through subsidies that would be funded by the existing Medicare trust funds.

And do not forget the effects of adverse selection from a Medicare buy-in program. Here AARP has studied it, and this is what they say about that:

> . . . the premium may be too uncompetitive for those who don't use much health care and unaffordable for those with modest incomes. This may limit buy-in enrollment and drive up cost further.

So this means that this buy-in proposal is likely unsustainable. And we all know what happens when the government creates an unsustainable new program. What happens? The taxpayers end up on the hook for bailing it out down the road sometime.

We all know the Medicare Program has $37 trillion in unfunded obligations. We all know about the pending insolvency of the Medicare Program. The trustees say so every spring.

The Medicare hospital insurance trust fund started going broke last year. In 2008, the Medicare Program began spending more out of this trust fund than was coming in through the payroll tax. The Medicare trustees have been warning all of us for years that this trust fund is going broke. They now predict that it will go broke right around the corner in 2017. Well, as the AARP has pointed out, adding millions to the Medicare Program would almost certainly make things much, much worse for the fiscal health of a program that is not in very good financial shape. This proposal would also make things worse for the 45 million Medicare beneficiaries who paid into the program over the years and are receiving benefits under the program.

Since we started debate on this 2,074-page bill, Members on this side of the aisle have questioned the wisdom of slashing Medicare by $½ trillion and then using the savings to start a new Federal entitlement program. We on this side have stressed that provider cuts of this magnitude will make it financially harder for providers to care for beneficiaries. We have pointed out that this will worsen beneficiary access to health care, as providers stop treating Medicare patients.

Adding millions more Americans to Medicare on top of the $½ trillion in Medicare cuts in this Reid bill would make beneficiaries' access to care much worse. But do not take my word for it. Even national hospital associations such as the American Hospital Association and the Federation of American Hospitals are opposing this proposal. They are mobilizing their ranks against this proposal even as I speak. Yes, the same groups that agreed already—and this was back in June—to $155 billion in Medicare cuts—and they did that in an agreement with the White House and got sweetheart deals in this bill—do not want the Senate to go the route of expanding Medicare for people under 65 years of age. The American Medical Association has also opposed this proposal. These groups recognize the potential for financial disaster by boosting the number of patients with coverage that pays well below cost.

This Medicare buy-in proposal would also jeopardize retiree benefits. Going back to the same AARP analysis that I have quoted, they concluded that a Medicare buy-in program could further reduce employer-sponsored health benefits.

According to the AARP:

> . . . a buy-in program might displace retiree coverage now available through [their] employers.

Still quoting AARP, they said:

> As health care costs tend to rise with age, employers might have the incentive to find ways to avoid offering private coverage for early retirees. . . .

So with fewer patients with higher paying private coverage, there is less opportunity for providers to cost-shift to make up for low Medicare payments, because everybody recognizes the Federal Government does not pay 100 percent of costs. This would make it even harder for providers to treat Medicare beneficiaries, and as a result, beneficiaries would have an even harder time finding a provider to treat them.

I come from a rural State where Medicare reimbursement is already lower than almost every other State in the Nation, so I have serious concerns about the ability of the Iowa providers to keep their doors open if more and more of their reimbursement is coming from Medicare. I know this is a concern that is shared by rural State Members of this body from both sides of the aisle. But losing providers to serve Medicare beneficiaries would only be the beginning of access problems caused by a Medicare buy-in program. Because if you think it would be tough to keep existing Medicare providers, think how hard it would be then to recruit new ones.

Provider recruitment is already a major problem in rural States, particularly my State of Iowa. This issue comes up during my meetings with constituents in Washington or during the townhall meetings I hold in each of Iowa's 99 counties every year. It is already a challenge under the current Medicare Program for Iowa to compete for providers with urban areas where Medicare reimbursement is higher.

I hear countless stories from constituents where they make great efforts to recruit doctors only to lose them to areas where Medicare reimbursement is higher. The Medicare buy-in will only make this situation worse in my State of Iowa, because more and more reimbursement would come from Medicare. So the current and future Medicare beneficiaries would be assured of limited access to providers because of this buy-in.

AARP pointed out another flaw in this buy-in proposal. In their analysis, AARP warned that there are large cost-sharing requirements in Medicare, so buy-in enrollees would still be exposed to significant cost sharing. Maybe these buy-in enrollees would have the resources to purchase supplemental Medicare policies to defray these cost-sharing requirements. Perhaps AARP is thinking of making even more money by selling supplemental policies to these retirees.

I share the goal of getting more Americans covered, but expanding the Medicare Program to early retirees is not the answer. Medicare beneficiaries have paid in to this program all these years and rightfully have the expectation to receive the benefits to which they are entitled under the program. The Medicare buy-in proposal would jeopardize these benefits. It would jeopardize existing retiree benefits. It would leave retirees exposed to significant cost sharing. It would be unsustainable and taxpayers would end up footing the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, thank you very much. I rise tonight to continue the discussion and debate on health care. I had the chance over the last couple of months not only to do a good bit of work on a number of issues that relate to the bill and the two bills that came before and were merged into one bill, but also to hear from constituents across Pennsylvania. Some of them are writing to us and urging us to pass a bill and some are urging us to go in the other direction. But the communications I get from people who write about their own stories, their own family, their own challenges are, of course, the most compelling and the most worthy of time and attention.

Often they come from Pennsylvania families who are not only facing health care challenges but facing economic challenges that I don't think anyone in this Chamber can fully understand, at least not at this point in someone's life. Because when you become a Member of Congress, you are usually in

pretty good shape. You may not have a lot of wealth, but you at least have a job to go to every day, you have a lot of people helping you, and you have health care. That is not something that can be said for tens of millions of Americans.

This legislation is the culmination of a lot of debate and discussion and analysis and study over many decades now. It is nice that we have been talking for years and years about preventing a preexisting condition from barring someone's coverage or treatment. It is nice to talk about it, but it is a lot better when we do something about it. It is nice we have talked about limiting out-of-pocket costs for families who are trying to take care of their children, trying to care of themselves, but it is a lot better to do it, to enact it into law.

This bill makes it illegal to use preexisting conditions to deny someone coverage. This bill makes it illegal for insurance companies to put a lifetime cap on services, or an annual cap. This bill makes it illegal to discriminate so that no longer, if we do what we must do and get this bill passed, can an insurance company discriminate against a woman, which they do all the time now, just as they prevent people from getting coverage due to a preexisting condition. We have an opportunity to change the way we provide health care in ways we haven't been able to imagine, let alone enact into law.

One issue that has motivated me throughout this whole debate is what happens to our children at the end of the debate, at the end the legislative line, so to speak. Will children in America—and I am speaking about poor children and those with special needs because they are the ones who need help. If you are in a wealthy family, you will figure it out, and your family will figure it out. If you happen to be a child of a poor family or a child who has special needs, will you be better off at the end of this debate or will you be worse off.

As it relates to poor children and children with special needs, the goal here has to be no child worse off. It is very simple. It is a very simple test. That is what we have been working on. I believe this bill that is on the floor right now is a dramatic improvement in the lives of so many families. I still think we have some more work to do as it relates to children, but there is no question that the bill we are debating will make children a priority in ways we haven't been able to do in any kind of other legislation, other than the children's health insurance legislation that Congress enacted going back more than a decade ago and that we reauthorized this past year.

I wish to speak about two families tonight. This isn't a discussion about theory or about the nuances of a policy. This is about real people and what has happened to them under our existing system. I wish to put up the first chart. This chart depicts one family, the Ritter family in Manheim, PA. I spoke with them several days ago and I spoke with these two young girls. One daughter's name is Hannah—one twin, I should say, is Hannah and her sister—after I spoke on the floor I called their mom to talk about what I had said on the floor and I said to her, I think I referred to one of your daughters as Madeline, and that is incorrect, it is Madeline. So I want Madeline to know I correctly pronounced her name my second time around. Part of that is because of a story I read to my daughters when they were kids all the time. But there was a story about Madeline, and a lot of parents know that story. So I apologize to Stacie Ritter.

But here is the story that Stacie Ritter has told me through this communication, but has told a lot of other people, and now we try to tell her story on the Senate floor to give meaning to what we are talking about here. But this isn't some public policy discussion about health care; this is about what happens to real families when we don't get the policy right, when we talk and talk year after year, decade after decade, and talk about good intentions, but never get it done, never get a bill passed. This is what happens to people.

Stacie Ritter had to declare bankruptcy after her twins were diagnosed with leukemia at the age of 4. My wife Teresa and I have four daughters, and thank goodness they are all healthy. Two of them are in college, one is in high school, and one is in seventh grade. We have never had to face that kind of diagnosis, thank goodness. Thank God I have never had to face that, nor has my wife Teresa had to face that as a parent. But if we did, we would have been given some protection and so would our daughters if we faced that horrific diagnosis, because when I was working as a lawyer or when I was a public official, I had health care. Sometimes, for a lot of that time period, a decade in State government health care, because I was a State employee, I had a tremendous health care plan, a kind of public option, a good public health care plan. So I never had to worry about that as a parent nor did my wife if something horrific were diagnosed.

These two little girls pictured here—and you can see even though because of that diagnosis they are facing the kind of challenge I can't even imagine, let alone endure—I hope I could, but I am not sure I could if I were in their place. But you can see that even though it is obvious they are facing a real challenge with regard to the leukemia, they are very hopeful, aren't they, in that picture. They have their arms around each other. They have these stethoscopes and they are dressed up like two doctors. So even in the midst of the horror of that kind of a diagnosis, you have these two brave little girls who are looking forward, not just worried about their one situation but looking forward with hope and optimism.

Here is a picture down here taken last year in Washington, DC, then at the age of 11. Here is what their mother said:

> Without meaningful health reform my girls will be unable to afford care, that is if they are even eligible for care, that is critically necessary to maintain this chronic condition.
>
> Punished and rejected because they had the misfortune of developing cancer as a child.

What is the particular problem here with this case? The obvious problem is that these young girls were diagnosed with leukemia. That is bad enough. But we have a system that made their life a lot worse than the leukemia, because we had a system that said—basically what the system said to them is: We can help you and maybe cure you, but we are going to put limits on it. We are going to say that it is nice to have all of this technology and all of this great medical knowledge and great doctors and hospitals across America—and we do. We are the envy of the world on some of this stuff: the doctors and the nurses and the health care professionals, and the hospitals and the technology and the know-how. We are the envy of the world. We should acknowledge that. But then we have this ridiculous system that says to these two little girls: But the care we want to give you and the results we can get from that care are going to be limited. So we hope it works out for you.

That is ridiculous. It is an abomination. I don't understand why we have gone year after year and settled for this. Why do we have limits on the kind of care people get? Because insurance companies thought that was a good idea. I don't know why. I don't know whether it is for their bottom line or for whatever reason, but there is no excuse—no rationale—for saying to someone: We can cure you, but we are going to limit your care.

You are in real trouble, and we know how to help you. But we are going to limit it. Here is what Stacie said about her kids:

> When my identical twins were both diagnosed with [this leukemia] . . . at the age of four, we were told they would need a bone marrow transplant in order to survive. That's when I learned that the insurance company thought my daughters were only worth $1 million each.

I don't know a parent in America who believes their son or daughter—in this case, two daughters, her twins—is worth any amount of money or their care is worth any amount of money. Why does the insurance company do it? We hear they say that is policy, and then they get pressure from a TV station or news organization and they give the care.

If the policy makes sense, why would public pressure change a policy? The policy is ridiculous and insulting. It should be changed. It is one of those things we have to make illegal, and this bill does that. We should make it illegal for an insurance company to do that to children. But it doesn't make a

lot of sense unless you talk about it in terms of a real story.

Here is what Stacie Ritter said after she talked about the limit—very flatly, she said two words about whether a $1 million is enough to care for two daughters with leukemia over many years:

It's not! When you add up the costs involved in caring for a patient with a life-threatening disease like cancer, $1 million barely covers it.

We have lots of stories like this.

Fortunately, the hospital social worker recommended we apply for secondary insurance through the State considering the highly probable chance we would hit the cap. And we did hit that cap before the end of treatment.

The State program sounds a lot like a public option. I may be wrong, but it sounds an awful lot like that.

Thankfully, the State program kicked in and helped pay for the remainder of treatment.

So that part of the story worked itself out. It didn't work itself out because the insurance company said: We have a way to help you, and we are going to do it and figure out the cost in another way. No, the insurance company didn't help them. It was the State program in this case—the kind of public option that helped these kids. That part of the story has somewhat of a positive outcome. These kids are only 11. When they were 4 and 5, they didn't have that kind of an option.

This story gets worse. This is what Stacie says:

During this time, my husband had to take family medical leave so we could take turns caring for our one-year-old son and our twins at the hospital. . . .

For the 7 months my husband was out on family medical leave, he was able to maintain his employer-based insurance for us via a $717.18 a month COBRA payment.

Let me get this straight. We are now talking about COBRA—the extension of insurance coverage for people who are hurting, laid off or unemployed. That is another government initiative enacted by Congress. I am sure there were some folks who thought let's not use government to extend health insurance. But in this case, it was helpful to this family. But it wasn't enough.

Here is what Stacie says, as she keeps going:

After spending all our savings to pay the mortgage and other basic living expenses, we had to rely on credit cards.

We have a health care system that forced Stacie Ritter, and lots of other families in America, to rely upon credit cards so they could get the health care for their daughters who have leukemia and make ends meet so they could pay the mortgage and all the other things they had to pay for for themselves and their daughters and their son. That is what this health care system has forced them to do.

This isn't unambiguous. This is exactly the result of the worse part of our health care system. This last sentence might be the most poignant. She mentions they filed bankruptcy:

And when you file bankruptcy, everything must be disclosed. We even had to hand over the kids' savings accounts that their great grandparents had given them when they were born.

That is another problem with this messed up system we have. It forced this family not only to worry about whether their daughters were going to be taken care of with leukemia, it not only said they probably had to declare bankruptcy to take care of themselves and get the care they needed, but in the course of the bankruptcy proceedings, they had to turn over savings accounts.

I don't care if it was $1 or $1,000 or a much higher amount. I don't care what the amount was. We should never allow a system to force two little girls with leukemia to turn over their savings accounts that their great grandparents started for them. That is how bad the system is.

I will spend lots of time complimenting doctors, hospitals, and nurses. We have a lot of good things. We have good technology. OK. I am acknowledging all that. But this system is messed up when we have this happen to one family. I don't care if it is one family or 1 million, but we know there are lots of them out there who face similar circumstances.

Some people might say you are talking about the family and all these problems. What does your bill do? It so happens the first provision in the bill—go by the table of contents and go to the page—I think page 16. The first provision of the bill talks about not having limits on lifetime coverage. If that were in effect when Stacie Ritter and her husband got the diagnosis for their daughters—if that was in effect, the following would have happened, and this is irrefutable: No. 1, they were upset, and as worried as they were about their daughters, at least they would have had the peace of mind to know they didn't have to worry about it costing too much to get them care. They would not have had to worry about this causing bankruptcy. So at least we would have given them some peace of mind and some security. Then on top of that, we would have given them the kind of care they needed, including the follow-up care.

When some people say we need to debate a little longer, 3 months or 6 months more, or let's talk about it for a couple more years—we have talked this issue to death for years. We know exactly what is wrong. This is what is wrong. That story alone is reason to pass the bill. There are a lot of other reasons, a lot of other tragedies that are preventable if we do the right thing.

We have a bill that we are going to pass, and the first provision speaks to this family's challenge.

Let me read one more letter and I will stop. I know I am over my time. We have heard a lot of discussion in the last couple of days about people whose personal tragedies bring all of us to our senses as we get lost in the politics. I received a letter this fall that I think sums it up in a way that both Hannah's and Madeline's story does as well. This is a letter that I received from a woman in Havertown, PA, suburban Philadelphia. She says:

On September 9, 2009, my sister-in-law's cousin had to take her three-week-old son off of life support. He took two shallow breaths and passed away peacefully. He did not have to die, he did not have to be on life support, he did not even have to be in the [neonatal intensive care unit] NICU.

At 36 weeks gestation, his mother was told that she had Placenta-previa, but the insurance company and the doctor were at a tug of war on getting it covered.

This is America. Why should a doctor have to be in any tug of war about whether this mother, who is pregnant, will be covered? That should not even be a discussion. There should not have to be any discussion about that. But that is how messed up our system is.

At 39 weeks, Brandon's umbilical cord ruptured. His mother Karen was rushed to the hospital and Brandon was taken to Jefferson [hospital] in Philadelphia to undergo brain cooling treatment to return brain activity.

It was too late. After minimal return of brain activity, it was decided after 3 weeks to remove life support.

She concludes with this haunting sentence, this haunting reminder of how bad a case this is:

Who saved money here? Was it worth a child's life to save a few dollars? And I am sure 3 weeks of life support costs more than a C-section.

That is the end of her letter. So anybody who says that we have to make a couple little changes on the margins, but we have a great system that is not in need of major reform—I need only point to these two examples. That is all the information I need.

Unfortunately, we have thousands—hundreds of thousands of additional examples—literally millions of people who are denied coverage because of a preexisting condition. Sometimes because a woman has been a victim of domestic violence, that has been used as a preexisting condition in terms of whether she gets health care. So we have a messed up system.

When we allow these tragedies to happen day after day, year after year, and we have people in Washington saying: We just could not get it done, we have to debate a little longer—we have to get a bill passed. We are going to do that in the next couple of weeks. We will take whatever steps are necessary to get this legislation passed because we cannot say to this woman who wrote to me from Havertown, PA, nor can we say to these two girls and their parents—we can't walk up to Hannah and Madeline and other kids like them in the country and say we tried to get that lifetime limit matter done, but it got a little contentious.

We have to get it done, and we will get it done because we are summoned by a lot of things. But I think we are summoned by our conscience to get this done and make sure we can do everything possible—no system is perfect—to prevent these tragedies.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, let me begin by thanking Senator CASEY for his consistent efforts in fighting to make sure that every American has good-quality, cost-effective health care. He has been a leader and I congratulate him.

Mr. President, I wish to touch on some of the health care issues that are out there and tell you what I think is positive in the bill we are dealing with in the Senate and tell you what I think is not so positive.

To begin with, as Senator CASEY has aptly described, we have a system which, in many ways, is disintegrating. It is an international embarrassment that in the United States of America, we remain the only Nation in the industrialized world that does not guarantee health care to all its people as a right. The result of that is, some 46 million Americans today have no health insurance. Even more are underinsured, with large copayments and deductibles.

We have some 60 million Americans today who, because of our very poor primary health care outreach network, do not have access to a doctor on a regular basis. The result of that is, as incredible as it may sound, according to a recent study at Harvard University, some 45,000 people die every single year because they do not get to a doctor when they should. As a result, by the time they walk into a doctor's office, their illness may be terminal. In addition to that, God only knows how many people end up in a hospital, at great expense to the system, because they did not get care when they should have.

Meanwhile, as Senator CASEY indicated, bankruptcy is an enormous problem because of our health care system. Close to 1 million Americans this year will be going bankrupt because of medically related bills. Furthermore, when we talk about economic growth in America, all of us understand that small businesses, medium-sized businesses are plowing an enormous amount of money into health care for their workers rather than reinvesting that money and expanding their operations and creating the kind of jobs we need as a nation in the midst of our very deep recession.

We have a major problem. At the end of the day, despite so many people uninsured, underinsured, so many people dying because they do not get health care when they need it, so many people going bankrupt, we end up spending almost twice as much per capita on health care as any other nation.

It is clear to me and I think it is clear to the vast majority of the American people that we need real health care reform. What real health care reform must be about is at least two things. No. 1, providing coverage to all Americans as a right of citizenship and, No. 2, doing that in the most cost-effective way we possibly can.

To my mind, quite frankly, there is only one way that I know of that we can provide universal, cost-effective, and comprehensive health care for all our people, and that is a Medicare-for-all, single-payer system. Very briefly, the reason for that is we are wasting about $400 billion every single year on administrative costs, on profiteering, on advertising, on billing—all in the name of profits for the private insurance companies that have thousands and thousands of separate plans out there, creating an enormously complicated and burdensome system. With each one of their thousands of plans, if you are young and do not get sick and are healthy, they have a plan for you. If you are older and you get sick, they have another plan for you. There are 1,300 private insurance companies with thousands and thousands of plans, and to administer all of this costs hundreds and hundreds of billions of dollars.

That is money not going into doctors—we have a huge crisis in primary health care physicians—not money going into dentists. Many areas, including Vermont, have a serious dental access problem. That is money not going to nurses. We have a nursing shortage. This is money going into bureaucracy, profiteering, and salaries for the CEOs of insurance companies. It is going into inflated prices for prescription drugs in this country. As a nation, we pay the highest prices in the world for prescription drugs.

To my mind, as a nation, what we have to finally deal with is that so long as we have thousands of separate plans, each designed to make as much money as possible, we are not going to get a handle on the cost of health care in America.

In the bill we are now talking about in the Senate, we have to be clear that the projections, according to the CBO, are that, everything being equal, over a 10-year period, the cost of health care for most Americans is going to continue to soar. That is the reality. This is bad not only for individuals, not only for businesses, this is bad for our international competitive capabilities because we are starting off from the position that today we spend much more than any other country. Guess what? While this bill does a number of very good things, it is not strong on cost containment.

If we are going to try to improve cost containment—and I wonder how much we can do within the context of this particular approach to health care without being a Medicare-for-all, single-payer system—at the very least, we need a strong public option. We need that for two reasons. First of all, there is widespread mistrust of private health insurance companies for all the right reasons.

Most Americans understand that the function of a private health insurance company is not to provide health care; the function is to make as much money as possible. People do not trust private health insurance companies, and they are right in terms of their perceptions.

People are entitled to a choice. If you want to stay with your private health insurance company, great, you can do it. But as many people as possible in this country should be able to say: You know what, I am not comfortable with a private insurance company. I would rather have a Medicare-type plan.

Poll after poll suggests that the American people want that public option. That is point No. 1, freedom of choice. People should have that choice. If they do not want it, that is fine.

Point No. 2 may be even more important, if we are going to get a handle on exploding health care costs, somebody is going to have to rein in the private insurance companies whose only function in life is to make as much money as they possibly can. We need a nonprofit, government-run public plan to do that. If we do not have that in this bill, I am not sure how we are going to get any handle on cost containment.

I will fight to make sure we have as strong a public option as we possibly can. As I have said publicly many times, my vote for this legislation is not at all certain. I have a lot of problems with this bill. We have to have at least, among other things, a strong public option.

Let me tell my colleagues something else I think we have to address in this bill. As I mentioned a moment ago, we have a disaster in terms of primary health care in America. Some 60 million Americans are finding it difficult to get to a doctor on a regular basis, and that is dumb in terms of the health and well-being of our people. It is also dumb in terms of trying to control health care costs.

If somebody does not have a doctor they can go to when they get sick, where do they end up? They end up in the emergency room, and everybody knows the emergency room, by far, is the most expensive form of primary health care. Yet millions of people have no other options. They end up in an emergency room. If they have a bad cold, Medicaid may pay $500 to $600 for their visit to the emergency room. That is totally absurd.

Furthermore, if you have a primary health care physician, that person can work with you on disease prevention—helping you get off cigarette smoking or helping you with alcohol, a drug problem, a whole myriad of issues in terms of good prevention, good nutrition. That we have a disaster in primary health care which is driving people to the ER makes no sense at all.

As I mentioned the other day, there is a provision in this legislation in the Senate which authorizes a very significant expansion of federally qualified community health centers which, in a nonpartisan way, a bipartisan way is widely supported by, I suspect, almost everybody in the Senate and in the House as well.

These community health centers today allow 20 million people to access not only good, quality primary health care but dental care, which is a huge

issue all over this country, mental health counseling, a very big issue, and low-cost prescription drugs.

The problem is, while the community health centers today do an excellent job, there are not enough of them. So in this legislation, we have greatly expanded community health centers. If we as a Congress are talking about bringing 13, 14, 15 million more people into Medicaid, I am not quite sure how a struggling Medicaid Program is going to accommodate those people, unless we provide the facilities and the medical personnel to treat them.

We need this. We need to expand primary health care. Community health centers are the most cost-effective way I know how to do that. There are studies that suggest providing that primary care, keeping people out of the emergency room, keeping them out of the hospital because they have gotten sicker than they should have gotten, we can, in fact, pay for these community health centers over a period of years by simply saving money.

In the Senate, we have very good language authorizing an expansion. In the House, they have similar language, except in the House they have a trust fund which actually pays for this. I am going to do my best to make sure we adopt the House language, which pays for, through a trust fund, a substantial increase in community health centers and, in addition, a very significant expansion of the National Health Service Corps, which is a Federal program which provides debt forgiveness and scholarships for medical students who are prepared to serve in medically underserved areas in primary health care.

We desperately need more primary health care physicians, nurses, dentists. That is what the National Health Service Corps does. My hope is the Senate will adopt the House provision to greatly expand the National Health Service Corps and the Health Service programs. That is an issue that is very important to me.

Let me touch on another issue, which is clearly going to be contentious; that is, at the end of the day, we are going to be spending on health care somewhere around $800 billion to $1 trillion. The American people want to know a couple of things. They want to know: Is this going to raise our national deficit? What CBO tells us is, no, it will not. More money is going to come in than goes out. There will be savings incorporated in the legislation, and that is a good thing. We have a $12 trillion national debt, and we do not want to add to that.

But people are also asking how are you going to raise the money? How are you going to pay for this? Where does the $800 billion to $1 trillion come from? Here is where we have a bit of differences of opinion.

In the House, I think they have, once again, done the right thing. What the House has done is raise $460 billion, with a surcharge on the top three-tenths of 1 percent of taxpayers. These are the wealthiest people in this country. What the House has said, quite appropriately, is that at a time when the gap between the rich and everybody else is growing wider and at a time when the top 1 percent earn more income than the bottom 50 percent, it is appropriate, especially after all of President Bush's tax breaks, to ask the wealthy to start paying their fair share of taxes so we can provide health insurance to tens of millions of Americans. That, in my view, is exactly the right way to go.

Unfortunately, in the Senate, we have not done that. What we have chosen to do in the Senate is to raise about—I do not know the exact number—but we have chosen to impose an excise tax of 40 percent on so-called Cadillac plans. The problem is, given the substantial increase in health care costs in this country, a Cadillac plan today in 5 or 10 years may be a junk car plan.

I believe with a struggling middle class, with people desperately trying to hold onto their standard of living, the last thing the Senate wants to do is impose a tax on millions and millions of working people who have fought hard to get a halfway decent health care plan.

Let me very briefly read from a fact sheet that came from the Communications Workers of America. CWA is one of the largest unions in this country. Similar to almost every union, they are strongly opposed to this excise tax on health care benefits. This is what they say. I read right from it. This is a document from the CWA:

The U.S. Senate will soon vote on legislation that would tax CWA-negotiated employer health plans. The tax will be passed directly onto working families. To avoid the tax, employers will try to significantly cut benefits for active workers and pre-Medicare retirees.

How the House Benefits Tax Works.

A 40-percent excise tax would be assessed on the value of health care plans exceeding $23,000 for a family and $8,500 for an individual starting in 2013. (Levels are higher for pre-Medicare retiree plans and high-risk industry plans—$26,000 and $9,850.)

And here is an important point. Because while people may not have to pay this tax in a couple of years, with health care costs soaring, they will have to pay this tax in the reasonably near future.

Quoting from the CWA document:

These ''thresholds'' would increase at the rate of general inflation, plus 1 percentage point, or 3 percent. This is well below the medical inflation rate (4 percent) and about half the rate (6 percent) at which employer and union plan costs have been increasing.

In other words, the cost of health care is rising a lot faster than inflation, which today is almost zero. It may actually be below zero, the point being that in a number of years, so-called Cadillac plans are going to reach the threshold upon which middle-class workers are going to be forced to pay a lot in taxes.

Let me go back to the CWA now. They write:

Health Benefits Tax Will Hit CWA—

And they are talking about many union workers here.

—CWA-negotiated Plans Hard and Result in Deep Cuts. In 40 of 43 states examined over 10 years (2013–2022) the average excise taxes assessed on each worker in CWA's most popular plans will be: $13,300 per active worker in the family plan.

That is for a 10-year period, $13,300.

$5,800 per active single worker, $13,600 for pre-Medicare retiree in the family plan, and $4,400 for pre-Medicare retiree in the single plan.

The bottom line is that the middle class in this country is struggling. We are in the midst of the most severe recession since the Great Depression of the 1930s. People are working longer hours for lower wages. The middle class is on the verge of collapse. The Senate should not be imposing an additional tax on middle-class workers. The House got it right; the Senate got it wrong, and I intend to offer an amendment to take out this tax and replace it with a progressive tax similar to what exists in the House.

Let me conclude by simply saying this: I understand that the leadership wants to move this bill forward as quickly as possible. I understand that. But in my view, we have a lot of work in front of us to improve this plan. Among many other things—many other things—and I know other Members have different ideas—at the very least, States in this country—individual States—if they so choose, should be able to develop a single-payer plan for their States. Because at the end of the day, in my view, the only way we are going to provide comprehensive, cost-effective, universal care is through a single payer.

I know some people are saying: Well, we are dealing with health care, we are not going to be back for a long time. If this bill were passed tomorrow, trust me, we would be back in a few years, because health care costs are going to continue to soar. Winston Churchill once said: ''The American people always do the right thing when they have no other option.'' And I think that is what we are looking at right now. We are running out of options.

What we have put together is an enormously complicated patchwork piece of legislation. It is going to help a lot of people. It involves insurance reform, which is absolutely right. We have a lot of money into disease prevention, which we should have. There are a lot of very good things in this bill. But it is not going to solve, in my view, the health care crisis. Costs are going to soar. If we don't have the courage as a body to take on the insurance companies, to take on the drug companies, at the very least let us give States—whether it is Vermont, Pennsylvania, California, or other States—the right to become a model for America; to provide health care to all people in a cost-effective way through a Medicare-for-all, single-payer system. We have to do that.

The other thing we have to do, in my view, is to get rid of this tax on the middle class by taxing health care benefits. Mr. President, you will recall that a year ago we were in a highly controversial and difficult Presidential campaign. One candidate, who happened to have lost that election—a Member of the Senate, Senator MCCAIN—came up with a plan that was exactly—or very close to it—to what we are talking about today. Then-Senator Barack Obama, who won that election, came up with a different plan, because he said that wasn't a good idea. Well, how do you think millions of American workers are going to feel when they say: Wait a second, the guy who won told me he was against taxing health care plans, and now we are adopting the program of the guy who lost. How do the American people who voted in that election have faith in their elected officials if we do exactly what we said we would not do?

So I believe we have to move toward a progressive way of funding this health care plan. As I stand here right now, this plan has a lot of good stuff in it, but there are a lot of problems in it. I very much look forward to the opportunity to be able to offer a number of amendments to strengthen this bill. It is very important to the people of Vermont and to people all over this country that not only I but the Presiding Officer and other Members have a right to offer amendments. Because if this bill gets whizzed right through, and is not as strong as it possibly can be, I think we will not have done the job we need to do.

Mr. President, with that, I yield the floor.

Mr. KOHL. Mr. President, as chairman of the Special Committee on Aging, the plight of vulnerable seniors is a subject of great concern to me. The committee is charged with uncovering problems that endanger the health and welfare of older adults and developing policy to prevent seniors from becoming victims of fraudulent scams and abuse.

During this Congress, I have been fortunate to be joined by my colleagues, Senators LINCOLN and HATCH and STABENOW, in advancing policy to reduce elder abuse. The Senate health care reform bill now includes both the Elder Justice Act and the Patient Safety and Abuse Prevention Act, and we will do our utmost to see that they become law.

Today I am pleased to continue the effort to protect America's vulnerable seniors by introducing an amendment that combines two very valuable bills, the Elder Abuse Victims Act and the National Silver Alert Act. Both have been passed by the House of Representatives.

Elder abuse is a sad scourge on our society, often hidden from sight by the victis themselves. Even so, experts conservatively estimate that as many as 2 million Americans age 65 and older have been injured, exploited or otherwise mistreated by someone on whom they depend for care or protection.

As Federal policymakers, it is time that we step forward and tackle this chaenge with dedicated efforts and more vigorous programs that will make fighting elder abuse as high a priority as ongoing efforts to counter child abuse.

It is in this spirit that I am offering an amendment to give the Department of Justice a roadmap for how to establish programs to bolster the frontline responses of state and local prosecutors, aid victims, and build a robust infrastructure for identifying and addressing elder abuse far more effectively than we do today.

We need to provide assistance to our courts, which would benefit from having access to designated staff that boast particular expertise in elder abuse. Specialized protocols may be required where victims are unable to testify on their own behalf, due to cognitive impairments or poor physical health. And there is a great need for specialized knowledge to support successful prosecutions and enhance the development of case law. Today, many state elder abuse statutes lack adequate provisions to encourage wide reporting of abuse and exploitation, more thorough investigations and greater prosecution of abuse cases.

For the victims of elder abuse, many of whom are physically frail and very frightened, we must do much more. First and foremost, we must be more responsive. Not too long ago, it was difficult to even get an abuse case investigated. While that is starting to change, we have much work ahead. For example, sometimes emergency interventions are necessary, particularly if the older person is being harmed at the hands of family members or trusted ''friends.'' It may be necessary to remove the older adult from his or her home to a temporary safe haven. To do this, we must build a much more robust system of support.

And there is more we must do to assist vulnerable seniors who may not be abused, but who are nonetheless vulnerable because they suffer from cognitive impairment. As the prevalence of dementia rises in our aging society, we have a special responsibility to ensure that those who ''go missing'' from home are returned promptly and safely. This is the purpose of the second part of the amendment, which proposes to create a national program to coordinate State Silver Alert systems.

The Amber Alert system, on which the Silver Alert Act is modeled, was created as a Federal program to rapidly filter reported information on missing children and transmit relevant details to law enforcement authorities and the public as quickly as possible. Using the same infrastructure as Amber Alerts, 11 States have already responded to the problem of missing seniors by establishing Silver Alert systems at very little additional cost. These programs have created public notification systems triggered by the report of a missing senior. Postings on highways, radio, television, and other forms of media broadcast information about the missing senior to assist in locating and returning the senior safely home. Now we have an opportunity to finish the job and create Silver Alert programs across the country.

Both of the provisions in this amendment are strongly supported by the Elder Justice Coalition. I ask my colleagues to support this amendment, and by doing so to markedly reduce the risk of harm to our most vulnerable citizens.

Mr. SANDERS. Mr. President, it appears I am going to be closing tonight.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

MORNING BUSINESS

Mr. SANDERS. 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.

TRIBUTE TO VIDA CHAN LIN

Mr. REID. Mr. President, I rise today to honor Vida Chan Lin. The Las Vegas Asian Chamber of Commerce recently named Vida Chan Lin as their first female president. For many years, Lin has been an advocate for Nevada's Asian Pacific Islander American, APIA, community. Her early exposure to the complexities of business and the APIA community has cultivated the passion and talent necessary for success.

Vida Chan Lin moved to Las Vegas in 1994 and began developing her career as an insurance sales representative. Within a few years, Lin pursued her entrepreneurial interests and launched an insurance agency named V&J Insurance. The company was committed to providing outstanding service and education to Asian and minority communities in Nevada. Vida Chan Lin's success continued when she was named vice president after a merger between V&J Insurance and Western Risk Insurance.

Vida Chan Lin's continued involvement and dedication with supporting local community and business organizations resulted in a significant partnership that benefits families and businesses across Nevada. Lin has also advanced local business endeavors through her work with the Asian Chamber of Commerce, ACC, and the OCA Las Vegas Chapter. During her tenure in ACC, she helped develop annual events such as the Chinese New Year Community Achievement Awards Dinner, Bill Endow Golf Tournament, and Asian Business Night. Her help with the OCA Las Vegas Chapter resulted in two national events to be held in Las Vegas for the first time—the

OCA National Convention and the National Asian Pacific American Corporate Achievement Awards.

Being a leader in the Asian Pacific Islander American community has provided Vida Chan Lin an opportunity to affect younger generations. Her positive attitude and passion for APIA issues brought forth an inspiration within our youth to provide for their communities. Lin promotes and ensures that the voice of APIA youth is heard. She continues to dedicate time for students involved in the OCA Las Vegas Chapter and ACC by engaging them in entrepreneurial development opportunities such as the Clark County Summer Business Institute.

As she continues to advance her career and charitable interests, Vida continues to give great care to her family. Las Vegas is better as a place because of dedicated people like Vida Chan Lin. Vida's dynamic ambition reminds me of a quote from one of this country's greatest Presidents. Teddy Roosevelt once said:

> The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly; who errs and comes short again and again; because there is not effort without error and shortcomings; but who actually strive to do the deed; who knows the great enthusiasm, the great devotion, who spends himself in a worthy cause, who at the best knows in the end the triumph of high achievement and who at the worst, if he fails, at least he fails while daring greatly. So that his place shall never be with those cold timid souls who know neither victory not defeat.

Vida is not a timid soul. She strives for success with her family, career, and community.

I know that Vida Chan Lin and the Las Vegas Asian Chamber of Commerce have a bright and blessed future. I congratulate Vida on being the first woman to lead the Asian Las Vegas Chamber of Commerce.

REMEMBERING ALBERT E. DIX

Mr. MCCONNELL. Mr. President, all of the Commonwealth of Kentucky has suffered a great loss with the recent death of Albert E. Dix. A fourth-generation journalist, Al Dix moved to Frankfort, Kentucky's State capital, to become publisher of The State Journal in 1962, a post he would keep until his retirement in 1996. Known for being a mentor to aspiring journalists, Al Dix helped train scores of individuals who went on to work at papers with much larger circulations. But he was more than just one of Kentucky's finest journalists. As one of his former press foremen put it, ''He treated all employees really well, just like they were his family. He was a really good person all around.''

Indeed, Al Dix leaves behind a legacy as not only a superb publisher but as a pillar of his community. While I could say much more about my friend Al Dix, I think it appropriate for me to share with my colleagues a recent account of Al's life, which was published by The State Journal on December 3, 2009. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the State-Journal, Dec. 2, 2009]

FORMER PUBLISHER AL DIX REMEMBERED AS CARING LEADER

(By Charlie Pearl)

Journalists, bankers, politicians, educators and others today paid tribute to Al Dix as a sensitive and caring publisher who was dedicated to improving the community but kept his good works private.

Dix died at his home in Frankfort Tuesday morning of pancreatic cancer. He was 80. Services will be 2 p.m. Friday at South Frankfort Presbyterian Church with visitation at noon. Burial will follow at Frankfort Cemetery.

Richard Wilson, who retired from The (Louisville) Courier-Journal as its higher education reporter, got his first job in newspapers with The State Journal under Dix in 1963 and 1964.

''That helped me immensely during a nearly 40-year career in journalism,'' Wilson said. ''Much of the reason for that was Al, who was unquestionably a reporter's publisher. He was encouraging, respected quality work and openly shared his enthusiasm for its appearance in the newspaper.

''While he may have held strong views on many subjects, he never permitted them to permeate The State Journal's news columns and he respected those who believed otherwise. He also frequently took a personal interest in his employees and their well-being, both professionally and personally.''

Bruce Brooks, retired executive vice president at Farmers Bank, said he always considered Dix ''a dear friend. He was a little bit of a mentor to me.

''He was always willing to be a listening board for any situation. He was free with his advice and usually it was pretty sound and analytical.''

Brooks said Dix was master of ceremonies at various functions, ''and was really, really skilled at it. And he always had an open checkbook for a worthy cause. He would walk the walk and talk the talk.''

Former City Commissioner Pat Layton said Dix encouraged her to start her real estate career.

''He had a lot of insight of what was going on in the community,'' Layton said. ''It wasn't because he was publisher of a newspaper but because he really loved his community.

''He was truly a leader. But a lot of people didn't know about the many things he did for Frankfort because he was very private about it. He was a silent supporter. When there was a need, he was there and stepped right up front. He was a special guy.''

State Sen. Julian Carroll, who was governor while Dix was publisher, said, ''Al was a great community-minded leader. Although he was a Republican and I'm a Democrat, he was always very nice and cordial to me. I considered him to be one of our outstanding citizens.''

Bob Roach, a retired school teacher and former city commissioner and county judge-executive, said Dix ''was certainly interested in young people and education, and he believed in excellence. He was a prince of a fellow.''

While teaching at Franklin County High School, Roach said he took groups of students to Washington, D.C., for 25 years to participate in a North American Invitational Model United Nations program, ''and we could always count on him for a donation.''

By sponsoring an annual State Journal All-Academic Banquet, Dix encouraged students to excel in the classroom, Roach said, ''and he encouraged teachers by recognizing them as well.''

Dix could also be a confidant, Roach said. ''You could go talk to him about an issue and you knew it would always be in confidence,'' Roach said. ''And I knew his advice would be on target.''

Attorney Bill Kirkland, a former Paul Sawyier Public Library president, said Dix was on a special gifts committee during fundraising for the new library and he came faithfully to every meeting.

''He had numerous contacts in the community and personally added immeasurably to the quality of the library through the gifts he solicited.

''He was a person of intellect, humor, good personality and good judgment. There was never a kinder soul and more generous person in the community.''

Kirkland said their friendship spanned four decades.

''About 40 years ago, we played one-wall handball at the old YMCA on Bridge Street. I knew him first through his connection with South Frankfort Presbyterian Church, and through a few Republican endeavors. He certainly was a conservative after my own heart.

''He had extraordinary compassion and was interested in literacy, education, good government and ethical behavior.''

Bruce Dungan, retired president of Farmers Capital Bank Corporation, said when Dix first came to Frankfort from Ohio, ''I could tell he was here to be a friend of Frankfort. He was very thoughtful of people.

''He was here to help people, charities, government and his church. He worked so hard at charities. He would call me and say what I had given last year, and then say, 'Don't you think you ought to raise it a little this time?'

''If it hadn't been for Al, the YMCA (on Broadway) may never have happened. He kept pushing everybody. He did whatever he could to improve Frankfort. He was one of the greatest guys in Frankfort that I know of. We're going to miss him. I sure will.''

Irvine Gershman, a retired downtown merchant, said Dix ''coming here from Ohio was probably one of the best things to happen to Frankfort. He was always willing to do things for other people.

''He and his family have contributed so much to this community. When I would call on him for a little help (to various charities), he would just say, 'How much do you need?' ''

Gershman's wife, Priscilla, said Dix ''was a precious jewel. He will be sorely missed by everyone.''

Russ McClure, a former vice president of Morehead State University, said he was ''under the gun a lot of times'' while serving as Finance Cabinet secretary to Carroll and assistant budget director to Bert Combs when they were governors.

''One thing I could always count on was Al being straight up and fair,'' McClure said. ''He was always straightforward with his questions and always accurate in his reporting of my answers and the facts.''

The Rev. John Hunt, retired pastor of South Frankfort Presbyterian Church, said he has fond memories of getting to cover one of the launches of the Gemini space program in the early 1960s for The State Journal because of Dix.

''He knew of my interest in science and he credentialed me,'' Hunt recalled.

When Hunt got to Cape Canaveral, bad weather caused the flight to be postponed, so he figured he would have to miss the experience because he would need to get back to Frankfort for Sunday church services.

But Dix encouraged him to stay in Florida, saying he would give the sermon on Sunday, Hunt said.

''He filled the pulpit for me and did an excellent job,'' Hunt said. ''He got rave reviews and supplied the pulpit on my absences after that. I was about ready to swap places with him.''

Scottie Willard, who retired in September as press foreman after 44 years at The State Journal, remembers when Dix became publisher in 1962.

''He made a lot of improvements as far as press equipment when he took over,'' Willard said. ''He treated all employees really well, just like they were his family. He was a really good person all around.''

Ronnie Martin, retired composing foreman who worked at the newspaper 43 years, agrees.

''He was super to work for,'' Martin said. ''He gave me all sorts of opportunities and challenges at the same time, but they all worked out. He was a great guy. He treated everybody fairly.''

Ann Maenza, Dix's daughter, now publisher of The State Journal, said her father ''never cut corners. He always made sure things were done right. He was old school, fair and honest.''

Amy Dix Rock, senior director of regulatory and scientific affairs at Cumberland Pharmaceuticals Inc. in Nashville, Tenn., said her father was ''always thinking of others. We don't know how many things he's done for others because he didn't talk about it.

''That's the way he was. He was soft-spoken but when he did speak you listened.''

Al Smith, who rose to prominence in the state as a weekly newspaper publisher and as the longtime host of KET's ''Comment on Kentucky,'' said Dix was a newspaper publisher of the old school, ''but the opposite of the domineering egotistic bosses who bullied employees and squeezed the news to match their biases.

''`Old school' means that we always knew that with Al at The State Journal, it was like the grocery slogan of years ago, 'the owner is in the store.' He didn't have to call a distant headquarters to know what to say or do.

''He had strong views, conservative Republican in a 'company town' (state government) of readers who are mostly Democratic, but he ran the paper on principles of fairness in the news columns and gave his editorial writers, who were mostly more liberal than he, free rein on the opinion page.''

Smith noted how The State Journal under Dix supported a constitutional amendment that overhauled the state's judicial system and created what is today the Supreme Court. Smith also noted the newspaper's spotlight on corruption in government and how Dix shunned personal publicity.

''Once I wrote him a private note about something very generous he had done to help someone in trouble,'' Smith said. ''I heard nary a word in reply. But I didn't expect it. I am sure he was embarrassed that I even knew.''

Born Aug. 18, 1929, in Ravenna, Ohio, Albert E. Dix majored in political science and was a 1951 graduate of Denison University in Granville, Ohio.

He served in the U.S. Army Intelligence from 1953–1955.

A fourth-generation journalist, Dix first worked at The Times-Leader in Bellaire, Ohio, where his father was publisher. He moved to Frankfort in October 1962 to become publisher of The State Journal. He retired in 1996 as publisher and president of Wooster Republican Printing Co., the parent company of The State Journal, which now owns seven newspapers.

The Kentucky Book Fair was founded by The State Journal in 1981.

Dix also was a member of the board of directors of First Capital Bank of Kentucky, the Frankfort/Franklin County Industrial Development Authority and the local Kiwanis Club; and served two terms as chairman of the American Saddlebred Museum at the Kentucky Horse Park in Lexington.

He loved fishing and making fishing rods, electric trains and saddlebred horses.

Other survivors include his wife of 56 years, Edna Dix; a son, Troy Dix, publisher of the Ashland Times-Gazette in Ohio; and four grandchildren, Evan, Stewart and Melissa Dix and Lauren Maenza.

CUBA

Mr. KERRY. Mr. President, I rise as a cosponsor for S. 428, the Freedom to Travel to Cuba Act.

It is time we brought our strengths to bear—our people, our vision, our energy—to help the Cuban people shape the future direction of Cuba and to fix a policy that has manifestly failed. For America to act as the great power we are, with confidence in our values and vision, we need a Cuba policy that looks forward.

The truth is, we have reached out to countries where our wounds were far deeper, and far more recent. When JOHN MCCAIN and I led the efforts to unfreeze our relationship with Vietnam, we said: ''let's be honest . . . the Cold War is over. All the American trade embargo is doing is keeping Vietnam poor and thus encouraging a flood of refugees.''

For nearly 20 years after the fall of Saigon, the Vietnam war took a less bloody but equally hostile form. The U.S. and Vietnam had no diplomatic relations. Vietnamese assets were frozen. Trade was embargoed. But in 1995 the United States normalized relations with Vietnam. The Cold War had ended, and we even signed a trade deal with a country where 58,000 Americans had given their lives.

The results? A Vietnam that is less isolated, more market-oriented, and, yes, freer—though it has miles to go.

And yet, when it comes to Cuba, a small, impoverished island 90 miles off the shores of Florida, we maintain a policy of embargo—motivated by past grievance, not present realities and future dreams. Fidel Castro has stepped aside from day-to-day government, there is a new American President, and Cuban-Americans increasingly want broad, far-reaching interaction across the Florida Straits. Times are changing, and we cannot live in the past.

Forty-seven years ago, I was in my first semester of college when Soviet missiles, deployed in Cuba, threatened to set the world on fire. No one who lived through those thirteen harrowing days in October will ever forget them. Certainly, the threat from Cuba was real.

It is true that we continue to disapprove of Cuba's dismal human rights record and palpable lack of freedom. And it is also true that, over 50 years, the embargo can claim some successes. For example, it can be reasonably argued that U.S. pressure contributed to Cuba's decision to cease its military adventurism in Africa and its support for the violent insurgencies that ripped apart Central America in the 1980s.

But on the two most important questions, the verdict is decisive:

First, did this policy fulfill its often-stated purpose of overthrowing the Castro regime? Fidel Castro outlasted nine American Presidents, from Eisenhower to Clinton, and retired only for reasons of health during the tenth. When he passed on the reins to his brother, Fidel joined Omar Bongo of Gabon and Libya's Colonel Qaddafi as one of the world's longest-serving head of states.

Second, have the benefits of our policy outweighed the costs? It is hard to argue they have. The embargo has cost Cubans access to our markets, and for many years to our food and medicine—with little progress to show. But it has cost us as well. It has limited the influence of our people and our democracy. What's more, this fall's U.N. vote condemning America's embargo showed yet again: Cuba is not the only country isolated by our policy. The vote against our policy was 187 to 3. All of our major allies voted against us, and one of the two voting with us itself routinely trades with Cuba.

Is it morally satisfying to sanction a government whose human rights practices we abhor and whose political system rejects many of our values? Sure. And helping Cubans to live in democracy and liberty absolutely remains a goal of American policy. But for 47 years now, we have endorsed an embargo in the name of democracy that produced no democracy!

In fact, our rhetoric and policies have actually helped to consolidate the Cuban government. We have provided the Castro regime with an all-purpose—if exaggerated—excuse to draw attention away from its many shortcomings, including its shamelessly flawed economic model. For too many Cubans, our threats have legitimized Castro's outsized nationalism and repression of opponents. Our posture has played to his strengths.

At the same time, we have not brought our strengths to bear—our people, our vision, our energy, our opportunities. It is time for America to act as the great power it is—with greatness built on confidence in our values and vision.

Of course, the greatest cost of our policy has been borne by the Cuban people themselves. José Martí, Cuba's great ''Apostle'' and man of letters, once said: ''Everything that divides men, everything that classifies, separates or shuts off men, is a sin against humanity.'' More than 70 percent of Cuba's 11½ million people have lived their entire lives in this stalemate. A Cuban boy or girl of 10 when Fidel Castro drove victorious into Havana is 60 years old today. His whole life has been spent deprived of basic freedoms but

also deprived—in accordance with U.S. policies except during brief periods—of interaction with America's people.

We must have the courage to admit the need for a new approach. President Kennedy, who instituted sanctions against Cuba, had by mid-1963 set in motion secret contacts aimed at normalizing relations. Ford and Carter, too, looked for ways out of the box. George H.W. Bush cooperated with Cuba on the Angola peace accord, and his administration even dangled a promise of improved ties with America. Each initiative failed for a different reason, but all were grounded in the same recognition: there must be a better way forward.

Fortunately, we know there is a different strategy that can succeed. The Clinton administration worked to refocus our policy around what matters: on the Cuban people, not the Castro brothers; on the future, not the past; and on America's long-term national interests, not the political expediencies of a given moment.

The Clinton administration promoted people-to-people relations ''unilaterally''—without conditions on Havana. We worked to improve bilateral cooperation on issues like migration and combating drug trafficking, which were clearly in our national interest. Family travel in both directions quickly skyrocketed. And tens of thousands of Americans from across society—church members, academics and students, medical professionals, athletes, journalists, and more—were permitted to interact with their Cuban counterparts.

Those policies sent a clear and effective message to the Cuban people: the United States is not who your leaders say we are. Our problem is not now, nor has it ever been, with the Cuban people. We completely changed the dynamic: A synagogue with holes in its roof so big that birds flew around the sanctuary has been repaired with funds and materials from American supporters. Environmentalists worked together to save species and protect our shared environment. The children who received bats and balls—and moral support—from Baltimore Orioles players visiting Cuba for an exhibition game will never forget the gesture of American generosity.

And guess what. Across the board, Cubans seeking a better future for their country have said that nothing energized civil society in Cuba more than contact with U.S. civil society. Even Cuba's human rights and democracy activists benefitted immeasurably from the contact.

Unfortunately, the Bush administration shut down most forms of contact and dramatically reduced our interactions to a tightly regulated, government controlled trickle. They tightened licensing procedures, reduced transparency, and put government in the people's way in what amounted to a unilateral suspension of Americans' ability to help Cubans shape their future. People-to-people relations were made secretive, filtered, and for narrow objectives. That is the opposite of pro-democracy.

Regrettably, that was the record of the Bush administration: an enormous step backwards. Now it's up to the Obama administration to craft a Cuba policy that moves us forward.

In May 2008, Barack Obama said on the Presidential campaign trail that it was ''time for a new strategy.'' While he wasn't ready to give up the embargo as a source of leverage, he did declare at the Summit of the Americas: ''The United States seeks a new beginning with Cuba,'' and announced that he was ''prepared to have [the] Administration engage with the Cuban government on a wide range of issues.''

As promised, the Obama administration has expanded licenses for Cuban-Americans—albeit only Cuban-Americans—to travel to Cuba. Controls on family remittances, gift parcels, and certain transactions with telecommunications companies were loosened as well. Mid-level talks about immigration matters and postal relations have resumed. And we've turned off an Orwellian electronic billboard flashing political messages from our Interests Section in Havana.

These are positive steps, but they are only a start. So what comes next?

At a minimum, the administration should use the authorities that it has to reinvigorate people-to-people relations—to unleash the energy of the American people who want to help Cubans build their future. The policy worked in the past and enjoyed wide support in both countries.

When announcing expanded family travel, the President said, ''There are no better ambassadors for freedom than Cuban-Americans.'' But I think it's also fair to say that there are excellent ambassadors for freedom among the 299 million other Americans—religious faithful, teachers and students, environmentalists, scholars, doctors and nurses, political scientists, and artists—whose challenging minds, economic success, love for democracy, and advocacy of solid American values make them proud ambassadors as well.

The New York Philharmonic and its board of directors have been brilliant representatives of America on trips to North Korea, Vietnam and around the world. I don't understand why the administration recently blocked their proposed trip to Cuba. What are we afraid of?

Second, as we reinvigorate people-to-people diplomacy, the administration should review the programs that the Bush administration funded generously to substitute for it.

The Senate Foreign Relations Committee is already undertaking an investigation into the need to reform Radio and TV Martí—programming beamed into Cuba at a cost of $35 million a year. Many Cubans call TV Martí ''La TV que no se ve'' because it has never, in 18 years of broadcast, had a significant audience in Cuba. Report after report has documented that the Martí services are hindered by bad management, weak professional tradecraft, and serious politicization. We are looking at whether its business model—as a ''surrogate service'' exempt from many Voice of America standards and regulations—has failed, and whether the TV service should be closed entirely and radio should be integrated into the high-quality VOA services. We ought to be especially concerned that human rights activists in Cuba a key bellwether audience are unanimous in their view that the Martí brand must be repaired.

Meanwhile, USAID's civil-society programs, totaling $45 million in 2008, have noble objectives, but we need to examine whether we're achieving any of them. The Bush administration changed the program's focus from supporting the Cuban people to accelerating regime change, and the fact that some of our grantees have extravagantly high overheads has raised concerns about where all the money is going. It is also fair to ask whether these programs even work.

Bush's refocus on regime change made it difficult for Cubans outside declared antiregime groups to accept the informational materials or assistance offered—even if they had a burning desire for it. Our interests section used to distribute tens of thousands of books a year to Cubans across the political spectrum and the books could be seen, well-worn, in government and Communist party think tanks. Today, politicization has reduced the flow of information to many of the very same people eager to steer Cuba toward a better future.

The Foreign Relations Committee has begun a review of these programs. It is in the administration's interest to take the lead in overhauling them.

Finally, as I mentioned at the outset, I want to address legislation that will go even farther toward fixing our Cuba policy. S. 428, the Freedom to Travel to Cuba Act, does not lift the embargo or normalize relations. It merely stops our government from regulating or prohibiting travel to or from Cuba by U.S. citizens or legal residents, except in certain obviously inappropriate circumstances.

The Freedom to Travel to Cuba Act has strong support in Congress—33 sponsors in the Senate and 180 cosponsors for similar legislation in the House. I cosponsored similar legislation in the past, and I am proud to do so again. We are talking about restoring a fundamental American right—the right to travel—that is denied to Americans nowhere else in the world. Americans who can get a visa are free to travel to Iran, Iraq, Sudan, and even North Korea, and it makes no sense to deny them the right to travel to a poor island near Florida. There is a certain irony in the fact that Americans have to apply for licenses and wait, with little or no feedback, to travel to a country that we criticize for denying its

citizens the right to travel. The current ban on travel contravenes the spirit of the Universal Declaration of Human Rights' statement that ''everyone has the right to leave any country, including his own, and to return to his country.''

Free travel also makes for good policy inside Cuba. Visits from Americans would have the same positive effects as people-to-people exchanges, but on a larger scale. Visiting Europeans and Canadians have already increased the flow of information and hard currency to ordinary Cubans, with a significant impact on the country. Cuba's economic model, for sure, remains profoundly flawed, and human rights conditions remain dismal. But the hard-currency sectors of the Cuban economy have significantly altered workers' dependence on the regime, introduced material incentives that are changing economic culture, and raised expectations, if not demands, for greater improvements in the future. After years of Cuban government propaganda, Americans are even better positioned than Europeans and Canadians to be catalysts of change. We can do more if we let them.

That is one reason why all of Cuba's major pro-democracy groups support free travel. Freedom House, Human Rights Watch, and other groups critical of Cuba's government agree. Studies of change in Eastern and Central Europe show a direct correlation between contact with the outside world and the peacefulness and durability of democratic transitions.

This is a policy whose time has come. Numerous polls of Americans—of Cuban origin and otherwise—show strong support. Non-Cuban-Americans have long supported easing restrictions. But here is what is surprising: one recent poll found that 59 percent of Cuban-Americans—the group most widely thought to oppose a change in policy—actually support allowing all American citizens to travel to Cuba. As the proportion of Cuban Americans who arrived after 1980 increases, support for free travel is only growing. In fact, even many Cuban émigrés 65 years and older, once passionately opposed to it, now favor free travel. This is a sea change in the attitudes of Cuban-Americans, and we should not ignore it.

Change is in the air—in Havana, in Washington, and in major Cuban-American communities. I don't personally hold high hopes that the transfer of power from Fidel to Raúl Castro and to the next generation of hand-picked loyalists portends rapid change, but it is obvious that the Cuba of today is not the Cuba of the 60s or even the 90s, and that our policy should not be stuck in time either. Cubans are searching for models for the future, and our economic system and democratic ideals appeal to them.

In September, when the Colombian rock star Juanes came to Havana, by some estimates as many as a million people came to hear the concert. From the stage, he looked out at the Cuban people and started a simple chant: Una Sola Familia Cubana. The crowd roared approval at the thought of ending the conflict between Cubans across the Florida Straits.

There is a hunger out there among the Cuban people. America should capitalize on it. They want contact with their own families, and they want contact with American people and American ideas.

There is no other country in the world to which we have closed our lives as long as we have to Cuba. The Berlin Wall fell 20 years ago, but the wall separating Americans and Cubans has yet to come down.

We have a choice to ignore change and resist it or to mold it and channel it into a new set of policies. After 50 years of trying to isolate and destroy, it's time to try working with the Cuban people and making a new future together.

REMEMBERING SENATOR PAULA HAWKINS

Mr. HATCH. Mr. President, I rise today to speak about the passing of Paula Hawkins, a former colleague of mine in the U.S. Senate and a very dear and close personal friend whose service to the Nation and her home State of Florida will endure for generations in the heads and hearts of her posterity, friends and legions of admirers.

In the ranks of those who greatly admire and will dearly miss Paula, I stand front and center today to salute this extraordinary woman for her accomplishments, outstanding public service, wonderful family and exemplary life. As I do so, I am humbled by the magnitude of the task. It is not easy to find the right words to do justice to such a unique and choice individual.

That said, I guess the first thing that comes to mind about Paula Hawkins is that, true to her Utah Mormon heritage, she was a pioneer—a real trailblazer who opened doors and windows of opportunity for others to follow.

Long before there was a KAY BAILEY HUTCHISON, DIANNE FEINSTEIN, OLYMPIA SNOWE or MARIA CANTWELL in the U.S. Senate, there was Paula Hawkins. In 1980, she became the first woman elected to that august body for a full term without the benefit of family connections, and she was the first woman from Florida to serve as a Senator.

And to the surprise of no one who knew her, she was no shrinking violet in Washington once she arrived. The media may have dismissively billed her as that ''housewife from Maitland,'' but she quickly showed everyone that this was one tough homemaker who was acclimated to the political kitchen and could weather the heat that goes with it. I mean to tell you she was tough.

Anyone who knows Paula also knows that she was always impeccably dressed. Indeed, her appearance was so picture-perfect that she probably made many a Hollywood starlet feel shabby by comparison. To say she was dressed to the nines is like saying Jack Nicklaus was a fair golfer or that Shakespeare sort of had a way with words.

But Paula was more than a pretty face. Sure, she had perfectly coiffed hair and wore designer clothes and jewelry, but she had a razor-sharp mind to go with her smart appearance, and she quickly showed she was nobody's pushover. She could stand toe to toe and verbally slug it out with some of the most powerful and even most obnoxious Senators. In other words, she gave more than she got—and her opponents, more often than not, got more than they bargained for.

She was a great debater, a human dynamo who brought unrivaled energy and unbridled enthusiasm to the Senate. She was extremely intelligent and tremendously interested in politics—and she was very good at it. A quick look at her successful Senate campaign in 1980 attests to just how good she was.

By today's big-bucks standards, Paula's campaign was strictly bargain-basement. Fox News pundit Dick Morris, her pollster at the time, recalls the campaign being too cash-strapped to afford a teleprompter. Aides made do by writing scripts on paper towels and unrolling them as Paula spoke. In the end, her powers of persuasion and command of the facts carried the day with voters.

After stirring voters' hearts in Florida, Paula stirred things up in the Nation's Capital. Change was in the wind when she blew into wintry Washington in January 1981. For starters, she became the first Senator to bring her husband to Washington, which resulted in the Senate wives' club being renamed the Senate spouses' club. She helped spearhead legislation to help widows and women divorcees get back into the job market. She supported efforts to improve pensions for women and make them more equal to that of men. She further fought to get daycare for the children of Senate employees. Even the all-male Senate gym was no sweat for Paula, who forced her fellow Senators to wear swimming suits so that she could swim there as well.

To me, Paula was a ray of Florida sunshine that brightened my days during the years we served together in the Senate. She was a true blue conservative who was warm, witty and cracked wise. We shared many a joke and a laugh along with our commonly held moral, ethical and religious beliefs. And we became political allies and fast friends. In fact, Paula became and always remained one of my closest friends.

Both on and off Capitol Hill, she always could be counted on through good times and bad. I quickly learned that her word was her bond. Whenever I needed help, she was always there. And

I certainly hope the reverse was true—that I was there whenever she needed help.

Women, minorities, as well as the elderly with disabilities also learned they could count on Paula. She was a tireless advocate in their behalf—and they loved her for it. She also showed great political courage in 1984, when she disclosed during a hearing that she had been molested as a child. I am sure that horrific childhood experience, in part, informed her efforts to champion children's causes.

While her legislative accomplishments are too numerous to mention here, I would like to make mention of one in particular. Paula spearheaded the Missing Children's Act of 1982, the bill that instituted the National Center for Missing & Exploited Children. Thanks to that landmark legislation, the names of thousands of missing children are now part of the FBI's national crime database.

To secure the bill's passage, Paula personally lobbied President Reagan. As great a communicator as he was, the ''Great Communicator'' knew he had met his match in Paula and lent his support. Of course the President knew that Paula could always be relied on to help deliver a legislative win for ''the Gipper'' in the Senate—which she did many times.

As a staunch conservative, she found common cause with the President and other conservatives, including myself, on numerous issues. She was, for example, an ardent anti-communist who supported the President's hard line against Soviet expansionism. She also despised overly big government—and, there is certainly a lot to despise in Washington, especially these days.

Paula was an unwavering friend for those who shared her values and commitment, but she was an implacable foe of political corruption and to those who peddled illegal drugs on our streets and in our schools. She fought for legislation to cut foreign aid to nations that refused to reduce their export of harmful drugs. She further assisted in creating the Senate Caucus on International Narcotics Control and helped initiate the South Florida Drug Task Force.

I would be remiss if I didn't say something about Paula's stamina. She could endure as well as endear—often when she was in great pain. In 1982, she was knocked unconscious when a TV studio partition fell on her during an interview in Florida.

Those of us who worked closely with her know that the years that followed were often filled with crippling pain. Between votes on the Senate floor, she would often go to a room lent to her by Senator Strom Thurmond in the Capitol and lie in traction in a hospital bed.

Despite the immense pain stemming from her debilitating injury, Paula soldiered on during her 1986 bid for reelection. On campaign trips across Florida Paula would sometimes lay in the back seat moaning between appearances, according to Congressman John Mica, her aide at the time. While she lost that race to Bob Graham, it is amazing that she did so well and a testament to her courage and determination.

Paula's service did not end with her Senate term. Her contributions to her State, community, family and church over the past 23 years have been truly significant. She also didn't lose her sense of humor. When a Florida State senator told Paula several years ago that she was trying to do a good job, Paula smiled, grasped her hand firmly and said simply: ''Try harder, dear.''

As great a public servant she was, Paula was just as remarkable in her private life—as a wife, mother, grandmother and great-grandmother. She had a fierce love for each member of her immediate and extended family. And her husband Gene is no less remarkable. He is one of the kindest, most friendly, decent and honorable men I have ever known—and his love for Paula has always been uplifting to behold.

In every aspect of their lives, they have been an exemplary couple. They have been just as exemplary as parents. As members of The Church of Jesus Christ of Latter-day Saints, Gene and Paula took to heart the Mormon teaching that families are forever. They were determined to ensure that every family member worked hard toward achieving the goal of being able to be together in the hereafter. They have a great family and are well on their way toward achieving that lofty goal.

In the Old Testament book of Proverbs, we read:

> Who can find a virtuous woman, for her price is far above rubies. The heart of her husband doth safely trust in her, so that he shall have no need of spoil . . . She stretcheth out her hand to the poor; yea, she reacheth forth her hands to the needy . . . Strength and honor are her clothing; and she shall rejoice in the time to come . . . She looketh well to the ways of her household, and eateth not the bread of idleness. Her children arise up, and call her blessed; her husband also, and he praiseth her . . . Favour is deceitful and beauty is vain: but a woman that feareth the Lord, she shall be praised. Give her of the fruit of her hands; and let her own works praise her in the gates (Proverbs 31:10–31).

Today, I am honored to have the privilege of adding my voice to the chorus of praise for my dear friend, Paula Hawkins. I feel deeply that a loving Father in heaven and Jesus Christ have already embraced Paula and taken her into their care and treatment as one of truly great women who graced this Earth.

I truly loved Paula Hawkins. We were best friends. Like Gene and the Hawkins' three children—Genean, Kevin and Kelly—11 grandchildren and 10 great-grandchildren, my wife Elaine and I look forward to a joyous reunion one day with Paula on the other side of the veil.

In the meantime, it is my hope that all of us here in this chamber will reflect on her service and follow her advice to that State Senator: Try Harder!

ADDITIONAL STATEMENTS

TRIBUTE TO ROY OBREITER

• Mr. LEVIN. Mr. President, the Office of Rural Development within the United States Department of Agriculture will soon say goodbye to Roy Obreiter, a longtime trusted adviser, friend, and colleague to all who have worked with him. I am delighted to have this opportunity to pay tribute to Roy, a staff appraiser with the agency in Michigan, who will retire after 38 years of dedicated service. I join many within the USDA, as well as the many who have benefitted from his work over the years, in celebrating this impressive milestone.

Roy has an encyclopedic knowledge of agency programs and appraisal guidelines. Through his hard work, focus, and passion, Roy has endeared himself to those who have had the pleasure of working with him.

Roy has been a role model and mentor to his peers and coworkers. His kind and gentle demeanor, combined with his ability to connect on a personal level, have helped him earn the respect and admiration of his colleagues within the agency. Roy is an incredibly decent human being, devoted to family and work, and loyal to those around him.

Beyond his personal qualities, Roy has distinguished himself with a remarkable record of contributions to the agency. The assistance he has provided to Rural Development programs during his career has been invaluable. Roy can be proud of his contributions to Michigan and to rural America. He will be missed by his colleagues and by those throughout Michigan who have been touched by his work.

I congratulate Roy Obreiter on a job well done and wish him the best as he embarks on the next phase of his life.•

TRIBUTE TO TERRY SHERWOOD

• Mrs. LINCOLN. Mr. President, today I join many of my fellow Arkansans in recognizing and thanking Terry Sherwood with the Southwest Arkansas Planning and Development District for his 40 years of work with this agency and to wish him all the best in his retirement.

Since the Southwest Arkansas Planning and Development District was organized and began operation in 1967, it has served local governments by working as an indispensable partner to identify and implement State and Federal programs. Through Terry's hard work and leadership with the Southwest Arkansas Planning and Development District, communities throughout southwest Arkansas have been positively impacted and their lasting results are a testament to his dedication and vision and will be felt for decades to come.

Not only has Terry admirably served in his chosen career, but he has also offered his talents and expertise to a variety of local, state and national organizations. Terry has served as past President and board member of the National Association of Development Organizations, chairman of the Arkansas I–69 Association and vice-president of Arkansas Good Roads, board member of the Council of Peers and Southwest Regional Economic Development Association, chairman of the Association of Delta Development Districts, member of the Arkansas Highway and Transportation Public Participation's Committee, and a member of the Arkansas Association of Development Organizations. Terry's efforts have enhanced the lives of the citizens of our state. I am thankful for his work and his friendship and wish him a productive retirement.

I am proud to represent Terry in the U.S. Senate and pleased to have this opportunity today to publicly thank him for his contributions to the State of Arkansas and the people he touched.●

● Mr. PRYOR. Mr. President, today I pay tribute to the professional career and community achievements of Terry Sherwood of Magnolia, AR.

Terry Sherwood, a graduate of Michigan State University, began working as an employee of Southwest Arkansas Planning and Development District, Inc. in 1969. His hard work and dedication showed as he became the executive director in January 1992. He has provided the people of Arkansas with many accomplishments that are spread throughout the State.

He has served on several boards in several leadership roles such as past president and board member of the National Association of Development Organizations, NADO, vice president and member of the executive board of the I–69 Mid-Continent Highway Coalition, chairman of the Arkansas I–69 Association, vice-president of Arkansas Good Roads, board member of the Council of Peers Southeast Regional Executive Directors Institute, board member of the Southwest Regional Economic Development Association, chair of the Association of Delta Development Districts Delta Regional Authority, member of the Public Participation Committee Arkansas Highway and Transportation Department, and member of Arkansas Association of Development Organizations.

Terry has brought great leadership and outstanding integrity to the south Arkansas community. His leadership is unique and has inspired many other people in the area to get involved in their local neighborhoods and towns.

Mr. President, I ask that my colleagues join me in recognizing the great contributions Terry Sherwood has made to Arkansas and the United States of America.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 118. An act to authorize the addition of 100 acres to Morristown National Historical Park.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp.

H.R. 1672. An act to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

H.R. 2062. An act to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes.

H.R. 3388. An act to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes.

H.R. 3804. An act to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

H.R. 3940. An act to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.

ENROLLED BILL SIGNED

At 3:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1422. An act to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

At 4:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4218. An act to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

The message also announced that the House disagrees to 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''; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. OLVER, Mr. PASTOR, Ms. KAPTUR, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. BERRY, Ms. KILPATKRICK of Michigan, Mrs. LOWEY, Mr. OBEY, Mr. LATHAM, Mr. WOLF, Mr. TIAHRT, Mr. WAMP, and Mr. LEWIS of California, as managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 118. An act to authorize the addition of 100 acres to Morristown National Historical Park; to the Committee on Energy and Natural Resources.

H.R. 1454. An act to provide for the issuance of a Multinational Species Conservation Funds Semipostal Stamp; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2062. An act to amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes; to the Committee on Environment and Public Works.

H.R. 3388. An act to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3804. An act to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3940. An act to amend Public Law 96–597 to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1672. An act to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3964. A communication from the Commissioner of the Social Security Administration, transmitting, the report of a proposed bill to amend titles II and XVI; to the Committee on Finance.

EC–3965. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Quarterly Listings; Safety Zones; Security Zones; Special Local Regulations; Regulated Navigation Areas; Drawbridge Operation Regulations'' (Docket No. USG–2009–1039) received in the Office of the President of the Senate on December 3, 2009; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Rajiv J. Shah, of Washington, to be Administrator of the United States Agency for International Development.

*Mary Burce Warlick, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia.

Nominee: Mary Burce Warlick.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: James B. Warlick, Jr., None.

3. Children and Spouses: James B. Warlick, III, None; Jason A. Warlick, None; Jordan V. C. Warlick, None.

4. Parents: Willard and Elinor Burce, $35.00, 8/14/08, Republican National Committee; $25.00, 10/3/08, Republican National Committee; $35.00, 10/30/08, Republican National Committee.

5. Grandparents: Deceased.

6. Brothers and Spouses: Gregory C. Burce and Jan Rhodes: $30.00, 2/20/08, Obama for America; $30.00, 2/20/08, Al Franken for Senate; $25.00, 8/21/08, Al Franken for Senate; $25.00, 8/21/08, Obama for America; $25.00, 9/21/08, Obama for America; $25.00, 12/20/08, Al Franken for Senate; $25.00, 4/16/08, Democratic Legislative Campaign Committee; Jerome E. and Nancy Burce: None; Charles A. Burce: None.

7. Sisters and Spouses: Amy E. Burce, $25.00, 3/18/08, Obama for America; $25.00, 5/31/08, Obama for America; $25.00, 11/02/08, Obama for America; Juliana and Brian Tanning: None; Carrie and Myron Koehn: None.

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*James B. Warlick, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Nominee: James B. Warlick, Jr.

Post: Sofia, Bulgaria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions and amount:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: None.

4. Parents: None.

5. Grandparents: None.

6. Brothers and Spouses: None.

7. Sisters and Spouses: None.

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*Eleni Tsakopoulos Kounalakis, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Nominee: Eleni Tsakopoulos Kounalakis.

Post: Hungary.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: $1,998.11, 2/7/2005, Doris Matsui for Congress; $2,000, 3/21/2005, Olympia Snowe for Senate; $26,700, 3/21/2005, DCCC; $1,000, 3/21/2005, Arizona Democratic Party/Federal; $4,000, 3/28/2005, Van Hollen for Congress; $500, 3/24/2005, Friends of Dennis Cardoza; $4,200, 4/4/2005, Mike Thompson for Congress; $5,000, 4/19/2005, VINE PAC; $1,000, 4/26/2005, Keeping America's Promise; $4,200, 6/13/2005, Friends of Hillary Clinton; $5,000, 8/25/2005, Searchlight Leadership Fund; $4,200, 9/2/2005, Cantwell 2006; $2,100, 11/14/2005, John Sarbanes for Congress; $2,100, 11/4/2005, Bilirakis for Congress; $2,100, 2/21/2006, Doris Matsui for Congress; $3,246.44, 2/22/2006, Feinstein for Senate; $4,200, 3/13/2006, Stabenow for US Senate; $5,000, 3/17/2006, DSCC; $2,100, 4/7/2006, Francine Busby for Congress; $10,000, 6/30/2006, DSCC of CA; $5,000, 9/5/2006, HILL PAC; $500, 9/27/2006, John Sarbanes for Congress; $2,100, 10/17/06, Amy Klobuchar (In preparing this report, we discovered that this contribution was reported by the Kolbuchar for Minnesota committee as a contribution from Eleni Tsakopoulos and not from Alexandra Tsakopoulos. This appears to have been an inadvertent reporting error by the committee.); $1,936.55 10/18/2006 DCCC; $1,000, 2/8/2007, Emily's List; $2,300, 2/21/2007, Hillary Clinton for President; $320, 2/20/2007, Friends of Patrick Kennedy; $1,000, 3/29/2007, The Reed Committee; $28,500, 3/7/2007, DCCC; $28,500, 3/29/2007, DSCC; $1,000, 4/6/2007, Competitive Edge PAC; $4,600, 5/7/2007, Mike Thompson for Congress; $2,300, 5/11/2007, Tom Vilsack for President; $4,600, 5/24/2007, Friends of Harry Reid; $2,300, 5/21/2007, Zack Space for Congress; $500, 5/23/2007, Al Franken for US Senate; $500, 6/15/2007, Udall for Colorado; $2,300, 9/21/2007, Niki Tsongas for Congress; $2,300, 11/27/2007, Jeanne Shaheen for Senate; $2,300, 11/27/2007, Honda for Congress; $1,000, 2/21/2008, Kristen Gillibrand for Congress; $2,300, 5/12/2008, Zack Space for Congress; $2,300, 5/12/2008, Titus for Congress; $4,600, 6/10/2008, Obama for America; $2300 6/10/2008, Obama for America; $(2300), 6/10/2008, Obama for America refund; $6,500, 9/22/2008, DNC/Obama Victory Fund; $2,300, 9/29/2008, Titus for Congress; $2,300, 10/14/2008, Al Franken for US Senate; $2,300, 10/14/2008, Jill Derby for Congress; $215, 3/24/2009, DSCC of CA.

2. Spouse: Markos Kounalakis:

(My husband does not make contributions because he is a journalist. However, on occasion, when I have made a contribution with a check payable on a joint checking account, the contribution has been incorrectly attributed to him including the following during the relevant time period:)

$2,300, 3/6/2007, Hillary Clinton for President (contribution refunded on 10/6/2008).

3. Children: Antoneo: None.

Evangelos: None.

Spouses: None.

4. Parents: Angelo Tsakopoulos: $2,000, 1/21/2005, Doris Matsui for Congress; $2,000, 3/18/2005, Olympia Snowe for Senate; $26,700, 3/21/2005, DCCC; $4,200, 4/5/2005, Mike Thompson for Congress; $5,000, 4/20/2005, VINE PAC; $4,200, 6/6/2005, Friends of Hillary Clinton; $5,000, 8/26/2005, Searchlight Leadership Fund; $2,100, 11/11/2005, John Sarbanes for Congress; $2,100, 11/16/2005, Bilirakis for Congress; $4,200, 2/21/2006, Feinstein for Senate; $4,200, 3/13/2006, Stabenow for US Senate; $2,100, 4/4/2006, Francine Busby for Congress; $4,200, 5/18/2006, John Doolittle for Congress; $10,000, 6/30/2006, Democratic State Central Committee of CA-Levin Funds Account; $5,000, 8/31/2006, HILL PAC; $2,100, 9/7/2006, Madrid for Congress; $2,100, 9/7/2006, Arcuri for Congress; $2,100, 9/7/2006, Kilroy for Congress; $500, 9/27/2006, John Sarbanes for Congress; $1,900, 10/5/2006, Bilirakis for Congress; $15,000, 11/1/2006, DCCC; $4,600, 2/21/2007, Hillary Clinton for President ($2,300 redesignated to Friends of Hillary Clinton on 7/21/2008); $1,000, 2/16/2007, Friends of Patrick Kennedy; $26,700, 2/21/2007, DCCC; $500, 2/21/2007, Doris Matsui for Congress; $28,500, 3/28/2007, DSCC; $5,000, 4/10/2007, Calumet PAC; $4,600, 5/7/2007, Mike Thompson for Congress; $2,300, 5/11/2007, Tom Vilsack for President; $4,600, 5/24/2007, Friends of Harry Reid; $2,300, 5/16/2007, Zack Space for Congress; $500, 6/17/2007, Udall for Colorado; $2,300, 9/20/2007, Niki Tsongas for Congress; $2,300, 10/31/2007, Bilirakis for Congress; $2,300, 12/28/2007, Dean Scontras for Congress; $2,300, 1/24/2008, Jared Polis for Congress; $500, 2/29/2008, Wexler for Congress; $200, 3/28/2008, Lungren for Congress; $2,300, 4/4/2008, Solis for Congress; $2,300, 5/8/2008, Zack Space for Congress; $1,600, 5/12/2008, Titus for Congress; $1,600, 5/13/2008, Bilirakis for Congress; $1,000, 3/5/2009, Lungren for Congress.

Elaine Tsakopoulos: $1,000, 6/3/2005, Friends of Hillary Clinton; $1,000, 6/15/2007, Hillary Clinton for President; $2,000, 12/10/2007, Hillary Clinton for President ($700 refunded on 8/28/2008); $2,300, 10/20/2008, Obama for America/Obama Victory Fund.

5. Grandparents: Deceased

6. Brothers: Kyriakos Tsakopoulos (no spouse): $1,907, 6/28/2006, John Sarbanes for Congress; $10,000, 10/10/2006, Democratic State Central Committee of CA—Levin Funds Account; $26,700, 10/24/2006, DCCC; $28,500, 3/7/2007, DCCC; $500, 6/10/2007, Udall for Colorado; $4,600, 12/28/2007, Hillary Clinton for President ($2,300 refunded on 8/28/2008); $2,300, 12/28/2007, Dean Scontras for Congress; $2,300, 4/1/2008, Obama for America; $500, 6/7/2008, Mitakides for Congress; $28,500, 7/28/2008, DNC/Obama Victory Fund ($2,300 refunded from Obama for America on 8/31/2008).

7. Sisters: Katina Tsakopoulos (no spouse): $2,000, 1/20/2005, Doris Matsui for Congress; $2,000, 3/18/2005, Olympia Snowe for Senate; $26,700, 3/22/2005, DCCC; $4,200, 5/4/2005, Mike Thompson for Congress; $5,000, 5/4/2005, VINE PAC; $2,100, 6/1/2005, Doris Matsui for Congress; $4,200, 6/13/2005, Friends of Hillary Clinton; $5,000, 8/25/2005, Searchlight Leadership Fund; $2,100, 10/25/2005, Francine Busby for Congress; $2,100, 11/11/2005, John Sarbanes for Congress; $2,100, 11/18/2005, Bilirakis for Congress; $4,200, 4/7/2006, Francine Busby for Congress; $24,700, 5/23/2006, DCCC; $2,100, 9/8/2006, Madrid for Congress; $2,100, 9/8/2006, Arcuri for Congress; $2,100, 9/8/2006, Kilroy for Congress; $2,100, 9/27/2006, John Sarbanes for Congress; $2,100, 10/5/2006, Bilirakis for Congress; $2,100 10/19/2006, Francine Busby for Congress; $2,100, 10/25/2006, Zach Space for Congress; $4,600, 2/12/2007, Hillary Clinton for President ($2,300 refund received on 8/28/2008); $1,000 2/16/2007, Friends of Patrick Kennedy; $28,500, 3/7/2007, DCCC; $4,600, 5/4/2007, Mike Thompson for Congress; $2,300, 5/11/2007, Tom Vilsack for Congress; $2,300, 9/17/2007, Zach Space for Congress; $2,300, 3/7/2008, Susan Davis for Congress; $2,300, 5/12/008, Titus for Congress.

Athena Tsakopoulos (no spouse): $2,000, 1/24/2005, Doris Matsui for Congress; $2,000, 3/21/2005, Olympia Snowe for Senate; $4,200, 4/13/2005, Mike Thompson for Congress; $5,000, 4/29/500, VINE PAC; $4,200, 6/16/2005, Friends of

Hillary Clinton; $2,100, 11/11/2005, John Sarbanes for Congress; $2,100, 11/18/2005, Bilirakis for Congress; $847.97, 2/28/2006, Feinstein for Senate; $2,100, 4/4/2006, Francine Busby for Congress; $4,200, 5/16/2006, Francine Busby for Congress; $10,000 6/30/2006, Democratic State Central Committee of California Levin Funds Account; $5,000, 8/31/2006, HILL PAC; $25,000 9/8/2006, DSCC/Senate Victory Fund; $2,100, 9/8/2006, Madrid for Congress; $2,100, 9/8/2006, Arcuri for Congress; $2,100, 9/8/2006, Kilroy for Congress; $2,100, 9/27/2006, John Sarbanes for Congress; $2,100, 10/25/2006, Zach Space for Congress; $10,000, 11/1/2006, DCCC; $4,600, 2/12/2007, redesignated to Friends of Hillary Clinton on 7/10/2008; $1,000, 2/16/2007, Friends of Patrick Kennedy; $4,600, 5/4/2007, Mike Thompson for Congress; $2,300, 5/11/2007, Tom Vilsack for Congress; $2,300, 9/11/2007, Zach Space for Congress; $2,300, 5/12/2008, Zach Space for Congress; $2,300, 5/12/2008, Titus for Congress; $2,300, 10/23/2008, Obama for America; $26,200, 10/31/2008, DNC/Obama Victory Fund.

Chrysanthy Tsakopoulos (no spouse): $2,000, 1/21/2005, Doris Matsui for Congress; $2,000, 3/18/2005, Olympia Snowe for Senate; $26,700, 3/22/2005, DCCC; $4,200, 4/6/2005, Mike Thompson for Congress; $5,000, 4/19/2005, VINE PAC; $4,200, 6/6/2005, Friends of Hillary Clinton; $5,000, 8/26/2005, Searchlight Leadership Fund; $2,100, 11/11/2005, John Sarbanes for Congress; $2,100, 11/18/2005, Bilirakis for Congress; $4,200, 2/21/2006, Feinstein for Senate; $4,200, 3/12/2006, Stabenow for US Senate; $2,100, 4/4/2006, Francine Busby for Congress for special election on 4/11/06; $4,200, 5/16/2006, Francine Busby for Congress $2100 for special runoff election held on 6/6/2006 and $2100 for primary election held on 6/6/2006; $10,000, 6/30/2006, Democratic State Central Committee of California Levin Funds Account; $5,000, 8/31/2006, HILL PAC; $2,100, 9/20/2006, Zach Space for Congress; $2,100, 9/27/2006, John Sarbanes for Congress; $2,100, 10/5/2006, Bilirakis for Congress; $10,000, 10/18/2006, DCCC; $1,000, 10/30/2006, Montana Democratic Party/Federal; $4,600, 2/12/2007, Hillary Clinton for President (2,300 redesignated to Friends of Hillary on 8/28/2008; $1,000, 2/16/2007, Friends of Patrick Kennedy; $28,500, 3/7/2007, DCCC; $4,600, 5/4/2007, Mike Thompson for Congress; $2,300, 5/11/2007, Tom Vilsack for Congress; $500, 6/14/2007, Udall for Colorado; $2,300, 9/17/2007, Zach Space for Congress; $2,300, 9/20/2007, Niki Tsongas for Congress; $2,300, 11/28/2007, Jim Costa for Congress; $2,300, 5/12/2008, Titus for Congress; $2,300, 6/30/2008, Zach Space for Congress; $2,300, 10/23/2008, Obama for America; $26,200, 10/31/2008, DNC/Obama Victory Fund; $2,300, 10/23/2008, Bilirakis for Congress; $4,800, 3/24/2009, Alexi for Illinois Exploratory Committee.

Alexandra Tsakopoulos (no spouse): $5,000, 8/26/2005, Searchlight Leadership Fund; $2,100, 11/11/2005, John Sarbanes for Congress; $2,100, 11/18/2005, Bilirakis for Congress; $4,200, 2/21/2006, Feinstein for Senate; $44,200, 3/12/2006; Stabenow for US Senate; $2,100, 4/4/2006, Francine Busby for Congress for special election on 4/11/06; $4,200, 5/16/2006, Francine Busby for Congress $2100 for special runoff election held on 6/6/2006 and $2100 for primary election held on 6/6/2006; $10,000, 6/30/2006, Democratic State Central Committee of California Levin Funds Account; $2,000, 8/29/2006, Honda for Congress; $5,000, 8/31/2006, HILL PAC; $25,000, 9/8/2006, DSCC/Senate Victory Fund; $25,000, 9/8/2006, DCCC/House Victory Fund; $2,100, 9/8/2006, Madrid for Congress; $2,100, 9/8/2006, Arcuri for Congress; $2,100, 9/8/2006, Kilroy for Congress; $2,100, 9/20/2006, Zach Space for Congress; $2,100, 9/27/2006, John Sarbanes for Congress; $2,100, 10/5/2006, Bilirakis for Congress; $10,000, 10/18/2006, DCCC; $1,000, 10/30/2006, Montana Democratic Party/Federal; $4,600, 2/12/2007, Hillary Clinton for President (2,300 redesignated to Friends of Hillary on 8/28/2008); $1,000, 2/16/2007, Friends of Patrick Kennedy; $28,500, 3/7/2007, DCCC; $4,600, 5/4/2007, Mike Thompson for Congress; $2,300, 5/11/2007, Tom Vilsack for Congress; $500, 6/14/2007, Udall for Colorado; $2,300, 9/11/2007, Zach Space for Congress; $2,300, 9/20/2007, Niki Tsongas for Congress; $2,300, 11/28/2007, Jeanne Shaheen for Senate; $2,300, 11/28/2007, Honda for Congress; $2,300, 8/11/2008, Jeanne Shaheen for Senate; $2,300, 9/19/2008, Obama for America; $26,200, 9/19/2008, DNC/Obama Victory Fund.

*Leslie V. Rowe, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Nominee: Leslie V. Rowe.

Post: Mozambique.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Theodore Einar Dieffenbacher, Spouse: None.

3. Children: Paul Vicente Dieffenbacher, None; Daniele Dieffenbacher, None; Jacqueline Liisa Dieffenbacher, None.

4. Parents: Sara Ventura Rowe—deceased; John Leslie Rowe—deceased; Leon Ventura—deceased; Pauline Ventura—deceased; John E. Rowe—deceased; Mary E. Rowe—deceased.

5. Sister: Nancy Ventura Rowe; None.

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*Alberto M. Fernandez, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Nominee: Alberto M. Fernandez.

Post: Ambassador to Equatorial Guinea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee

1. Self: None.

2. Spouse: Katy Fernandez: None.

3. Children: Josrah P. Fernandez; None; Adam F. Fernandez; None.

4. Parents: Diana Rodriguez; $25.00; 7–23–08; John McCain; Jorge L. Rodriguez; None.

5. Grandparents—deceased; None.

6. Brother and Spouses: None.

7. Sister and Spouse: Diana Valencia; None; Guillermo Valencia; None.

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*Mary Jo Wills, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Nominee: Mary Jo Wills.

Post:

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: Calvin D. Wills, Sr.: None.

3. Children and Spouses: Calvin D. Wills, Jr., None; Anthony R. Wills, None.

4. Parents: Edna D. Randall; $50.00; Barack Obama; Joseph R. Randall, Sr.—deceased.

5. Grandparents: Lenear B. Randall—deceased; Jessie Randall—deceased; Marie Barnett—deceased; George Denny—deceased.

6. Brothers and Spouses: George E. Randall, None; Dawn Randall, None; Joseph R. Randall, Jr., None; Angelia Randall, None.

7. Sisters and Spouses: Deborah I. Randall, None; Gloria Jean Randall, None; Toni M. Randall, $150.00, Barack Obama.

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*Anne Slaughter Andrew, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: Anne Slaughter Andrew.

Post: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: $2,100, 9/30/2005,Evan Bayh Committee; $1,000, 6/9/2006, Ellsworth for Congress; $250, 7/26/06, Mahoney for Florida; $2,300, 9/30/2007, Hillary Clinton for President; $100, 5/29/08, Obama for America; $500, 6/24/2008, Obama for America; $2,300, 7/8/2008, Obama for America; $28,500, 8/4/2008, Obama Victory Fund/DNC; $4,000 designated by DNC to Obama for America; $24,500 designated by DNC to DNC; ($2,300), 11/12/09, Refund by Obama for America.

2. Spouse: Joseph J. Andrew: $5,000, 2005, Sonnenschein PAC; $2,100, 9/30/2005, Evan Bayh Committee; $5,000, 2006, Sonnenschein PAC; $500, 4/27/2006, Ben Cardin for Senate; $1,000, 6/27/2006, Hoosiers for Hill; $500, 1/08/07, IN Dem Cong. Victory Cmte.; $5,000, 2007, Sonnenschein PAC; $2,300, 6/30/2007; Hillary Clinton for President; $5,000, 2008, Sonnenschein PAC; $504, 9/1/2008, Obama Victory Fund; $3,000, 9/30/2008, Obama Victory Fund; $5,000, 2009, Sonnenschein PAC; $1,000, 5/1/2009, Harry Reid for U.S. Senate.

3. Children and Spouses: Will Andrew—None; Meredith Andrew—None.

4. Parents: Marjorie Slaughter—Deceased; Owen L. Slaughter, M.D.—Deceased.

5. Grandparents: Jack Slaughter—Deceased; Margaret Sullivan Slaughter—Deceased; Mr. and Mrs. George Specht—Deceased.

6. Brothers and Spouses: Owen Slaughter—None; Julie Slaughter (spouse): $100, 2006, Baron Hill for Congress; $100, 2008, Baron Hill for Congress; $50, 2008, Obama for America; Mark Slaughter: $2,300, 8/24/2008, 2008, Yarmuth for Congress; Martha Slaughter (spouse): $2,300, 11/14/2007, Hillary Clinton for President; $300, 1/27/2008, Citizens for Rick Stock; $500, 5/5/2008, Friends of Scott Harper; $500, 6/30/2008, Friends of Scott Harper; $250, 10/23/2008, Friends of Bruce Lunsford.

7. Sisters and Spouses: Sara Slaughter: $500, 4/25/2007, Obama for America; $50, 10/2008, Obama for America; Tom Smith (spouse)—None; Lynne Hodge—None; Christopher Hodge (spouse)—None.

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*David Daniel Nelson, of Minnesota, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

Nominee: David D. Nelson.

Post: Montevideo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform

me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: David Nelson: $0, n/a, n/a.

2. Spouse: Gloria Nelson: $0, n/a, n/a.

3. Children and Spouses: Alexander D. Nelson: $0, n/a, n/a.

4. Parents: Edmund K. Nelson: No donations, but ran for State Legislature in South Dakota, 2004 (he lost). Marlys M. Nelson: $50, 2008, Republican Senatorial Campaign Committee.

5. Grandparents: Joel Nelson—deceased; Estelle Nelson—deceased; Albert Billman—deceased; Edith Billman—deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses: Suzanne Babich: $50, 2008, Minn. State Republican Party; $50, 2007, Minn. State Republican Party; $50, 2006, Minn. State Republican Party, $50, 2005, Minn. State Republican Party; Elizabeth Thorson: $0, n/a, n/a; David Thorson: $50, 2004, Doug Meslow; $50, 2004, Rebecca Otto; $50, 2006, Hutchinson/Reed; $50, 2006, Matt Dean; $50, 2006, Scott Wright; $50, 2006, Thomas Huntley; $356, 2009, AAFP PAC; $100, 2009, MMA MEDPAC; $356, 2008, AAFP PAC; $100, 2008, MMA MEDPAC; $356, 2007, AAFP PAC; $100, 2007, MMA MEDPAC; $356, 2006, AAFP PAC; 100, 2006, MMA MEDPAC; $356, 2005, AAFP PAC; $100, 2005, MMA MEDPAC.

*Betty E. King, of New York, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

Nominee: Betty King.

Post: USUN Geneva.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, date, donee, and amount:

1. Self: 2009, Democratic National Committee; $200, 2008 Barack Obama Presidential Campaign; $1,750, 2008 Hillary for President; $1,250, 2008, Democratic National Committee; $150, 2007, Democratic National Committee; $100, 2006, Harold Ford Senate Campaign; $250, 2005, Paul Aronshen for Congress; $100.

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*Laura E. Kennedy, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament.

*Eileen Chamberlain Donahoe, of California, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council.

*Jide J. Zeitlin, of New York, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

*Jide J. Zeitlin, of New York, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with Christopher William Dell and ending with Mark J. Steakley, which nominations were received by the Senate and appeared in the Congressional Record on September 24, 2009. (minus 1 nominee: Barbara J. Martin)

*Foreign Service nominations beginning with Carleene H. Dei and ending with Robert E. Wuertz, which nominations were received by the Senate and appeared in the Congressional Record on September 25, 2009. (minus 2 nominees: Earl W. Gast; R. Douglass Arbuckle)

*Foreign Service nominations beginning with Jeffrey D. Adler and ending with Conrad William Turner, which nominations were received by the Senate and appeared in the Congressional Record on November 9, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Nebraska:

S. 2846. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE (for himself and Mr. SCHUMER):

S. 2847. A bill to regulate the volume of audio on commercials; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 2848. A bill to amend the Federal Food, Drug, and Cosmetic Act to require manufacturers of bottled water to submit annual reports, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI:

S. 2849. A bill to require a study and report on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important region; to the Committee on Armed Services.

By Mr. VITTER:

S. 2850. A bill to permit the use of Federal funds from the Community Development Block Grant Program to be used to remediate damage from the installation of tainted drywall, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY:

S. 2851. A bill to make permanent certain education tax incentives, to modify rules relating to college savings plans, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN:

S. Res. 372. A resolution designating March 2010 as ''National Autoimmune Diseases Awareness Month'' and supporting efforts to increase awareness of autoimmune diseases and increase funding for autoimmune disease research; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 428

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 696

At the request of Mr. CARDIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 762

At the request of Mrs. FEINSTEIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 762, a bill to promote fire safe communities and for other purposes.

S. 841

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 936

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 936, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1421

At the request of Mr. LEVIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1421, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 1524

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1578

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1578, a bill to amend chapter 171 of title 28, United States Code, (commonly referred to as the Federal Torts Claim Act) to extend medical malpractice coverage to free clinics and the officers, governing board members, employees, and contractors of free clinics in the same manner and extend as certain Federal officers and employees.

S. 1589

At the request of Ms. CANTWELL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1666

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1666, a bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes.

S. 1822

At the request of Mr. MERKLEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

S. 1938

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1938, a bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2810

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2810, a bill to require the Secretary of Agriculture to provide emergency disaster assistance to certain agricultural producers that suffered losses during the 2009 calendar year.

S. 2831

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2831, a bill to provide for additional emergency unemployment compensation and to keep Americans working, and for other purposes.

S. RES. 320

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 320, a resolution designating May 1 each year as ''Silver Star Banner Day''.

AMENDMENT NO. 2790

At the request of Mr. CASEY, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 2790 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2807

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 2807 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2878

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. BURRIS), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2878 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2898

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 2898 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2909

At the request of Mr. NELSON of Florida, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of amendment No. 2909 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2912

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2912 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2913

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2913 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2923

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 2923 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2930

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2930 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of

the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2943

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2943 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2944

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of amendment No. 2944 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2957

At the request of Mr. BENNET, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 2957 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2961

At the request of Mrs. SHAHEEN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 2961 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2962

At the request of Mr. HATCH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2962 proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

At the request of Mr. ISAKSON, his name was added as a cosponsor of amendment No. 2962 proposed to H.R. 3590, supra.

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 2962 proposed to H.R. 3590, supra.

AMENDMENT NO. 2969

At the request of Mr. COBURN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 2969 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2991

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 2991 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2993

At the request of Mr. SCHUMER, the names of the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of amendment No. 2993 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

AMENDMENT NO. 2995

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 2995 intended to be proposed to H.R. 3590, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

STATEMENTS ON INTRODUCTED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON, of Nebraska:

S. 2846. A bill to authorize the issuance of United States War Bonds to aid in funding of the operations in Iraq and Afghanistan; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Nebraska. Mr. President, I rise today to introduce legislation to help finance the war effort without sharp tax increases or increased foreign borrowing, The United States War Bonds Act of 2009 will authorize the Treasury to issue and market War Bonds to the American people to help finance the wars in Afghanistan and Iraq.

I believe that we need shared sacrifice and fiscal discipline in financing the war effort. I don't believe our first instinct should always be a rush to tax. The government has gone to great lengths to address the economic downturn and adding new taxes right now could undermine those efforts. We need to work to reduce Federal spending wherever possible and reduce the growth in spending to finance the war.

War bonds are a cost-effective way to reduce our dependence on foreign creditors and create an outlet for Americans to express their patriotism and support for our servicemembers and America's mission. War bonds allow us to borrow from ourselves, rather than other countries.

This legislation finds a precedent in World War II savings bonds. From May 1, 1941 through December 1945, the War Finance Division and its predecessors were responsible for the sale of nearly $186 billion worth of government securities. Of this, more than $54 billion was in the form of War Savings bonds.

Although the times and economic circumstances are different than the 1940s, America's commitment to protecting freedom and our way of life has not waned. My hope is that we can tap into the same spirit of patriotism and create a sense of participation in the war effort akin to that shown by the greatest generation.

The new military strategy increasing troops by 30,000 for Afghanistan announced last week by President Obama is estimated to cost $30 billion beyond the baseline for Iraq and Afghanistan funding, which stands around $130 billion for 2010. The United States public debt is currently more than $7.6 trillion and nearly $3.5 trillion—46 percent—of the debt is held by foreign investors.While there are no simple solutions to our fiscal woes, while we endeavor to get our fiscal house in order, we must also be responsible borrowers and reduce our dependence on foreign creditors; this is a step in that direction.

By Mr. WHITEHOUSE (for himself and Mr. SCHUMER):

S. 2847. A bill to regulate the volume of audio on commercials; to the Committee on commerce, Science, and Transportation.

Mr. WHITEHOUSE. Mr. President, I rise today to introduce the Commercial Advertisement Loudness Mitigation Act of 2009—the CALM Act. I want to thank my original cosponsor Senator SCHUMER for his support of this straightforward and commonsense legislation, which would require the Federal Communications Commission, FCC, to limit the volume of television advertisements to a level no louder than the average volume level of the programs during which the advertisements appear. This time for this Act is overdue. All too often over the years, Americans, sitting down after a long workday or workweek to enjoy their favorite television shows, have been assaulted by commercials at volumes that are degrees of magnitude louder than the shows themselves. The FCC first received enough complaints from viewers to look into the problem in the 1960s—when television was in its earliest stages—but technology did not exist to fix the problem. Each decade, as consumer complaints piled up, the FCC had to reexamine the loudness issue. Unfortunately, it took no action

even with the technology improved. The complaints continue to this day; in the 25 quarterly reports on consumer complaints released by the FCC since 2002, 21 have listed as a top complaint the loudness of television commercials.

But now, with the digital transition complete and new broadcast technology available, we can finally take this long-overdue action. We now have a common digital platform used by all broadcasters, which presents a terrific opportunity to standardize the loudness of the ads broadcast into our living rooms. As Consumers Union, the nonprofit organization that publishes Consumers Report has stated, in testimony before the House of Representatives, ''the CALM Act provides an elegant and commonsense solution to finally ending a forty-five year consumer complaint in the United States.''

The House has already begun its consideration of companion legislation, and I applaud the leadership of Representative ESHOO on this issue. The television industry has been deeply involved in the drafting of this legislation, and the standards it adopts are practicable, affordable, and effective. I hope my Senate colleagues will act quickly to pass the CALM Act and finally put an end to this longstanding irritation.

By Ms. MURKOWSKI:

S. 2849. A bill to require a study and report on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the evolving and ever more important region; to the Committee on Armed Services.

Ms. MURKOWSKI. Mr. President, as you are undoubtedly aware, the U.S. is an arctic Nation. As such, the U.S. must ensure that not only its economic and environmental interests in the region are protected, but also its national defense and homeland security interests. While the U.S. maintains a strong working relationship with the 7 other arctic nations—Canada, Denmark, Finland, Iceland, Norway, the Russian Federation and Sweden—these nations also have their own interests to protect in the arctic region. Despite those relationships, the U.S. cannot assume that these nations will protect our interests in the region. The ability for the U.S. to project its territorial claims and protect its economic interests in the arctic will become increasingly important as the arctic shipping lanes become more accessible as the seasonal arctic ice decreases. With the high potential for increased and industrial and commercial activity in the arctic region, the U.S. must ensure that it is prepared to protect human life as well as the vulnerable arctic environment.

With an expected increase in arctic activity on the horizon, the U.S. cannot wait until our interests in the region are threatened before we act. In that light, the Arctic Deep Water Sea Port Act of 2009 is a major step towards protecting vital U.S. interests in the region. The Arctic Deep Water Sea Port Act of 2009 directs the Secretary of Defense, in consultation with the Secretary of Homeland Security, to conduct a study to determine the feasibility of establishing a deep water port in the arctic to protect U.S. strategic interests in the region. As the lead Departments for National Defense and Homeland Security initiatives for the U.S., the Department of Defense and the Department of Homeland Security, while working alongside their subordinate agencies, are best suited for determining and implementing policy decisions that protect U.S. sovereignty and national security.

This two-year study is designed to determine what strategic capabilities a deep water port could provide as well as an optimal location that would provide protection for a wide spectrum of U.S. initiatives. While studying the infrastructure needs for such a port, this study will also endeavor to determine the resource and timeframe needs to establish such a port, given the complex environmental constraints that the arctic marine environment provides. Upon completion of this study, the U.S. will be better positioned to understand the resource and development needs for the arctic region that are required to protect our interests in the region.

Mr. GRASSLEY:

S. 2851. A bill to make permanent certain education tax incentives, to modify rules relating to college savings plans, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am offering legislation to make permanent a number of education-related tax relief measures. My legislation also improves and makes permanent helpful provisions for 529 plans and the American Opportunity tax credit for education.

At the first hearing I held when I became Chairman of the Finance Committee in 2001, I made clear that education tax policy was a priority of mine. As Chairman, I was able to remove the 60-payment limit for deducting student loan interest and I was able to increase the income limits for that deduction. This was not the only time I fought hard to allow students to deduct their student loan interest. In 1997, I was able to re-instate the student loan interest deduction that Congress had eliminated from our tax laws. However, the 60-payment limit on the deductibility of student loan interest remained. I ensured that the 2001 tax relief bill took care of that problem. Other incentives for education that I was able to enact into law in 2001 included raising the amount that can be contributed to an education saving account from $500 to $2,000; making distributions from pre-paid college savings plans and tuition plans tax-free; and making permanent the tax-free treatment of employer-provided educational assistance. These tax policies and many others, including those for school renovations, repairs and construction, have proven their value to Iowa students in dollars and cents, year after year. The tax relief has delivered measureable educational assistance to Iowans and students and families nationwide, making education more affordable and accessible.

One draw-back of enacting these provisions in the 2001 tax relief bill, however, is that there was a sunset provision attached to that entire piece of legislation. All of the tax relief needs to be made permanent. Especially the education-related tax provisions. That is what my bill today does. My bill makes these provisions permanent.

It is no coincidence that I am introducing my education tax bill on the day the President of the United States talked about jobs. Our economy demands well-educated workers. The popularity of education tax incentives is good news for workers who find themselves unemployed or who want to go back to school to advance, or even change, their careers. Congress is willing to consider permanent tax relief for companies to buy machinery. Why isn't Congress willing to make an investment in people? That is what tax relief for education is. An investment in our future. It is just as important as job-creating tax incentives for businesses. Some will say we can't afford this, but we really can't afford to lose billions of dollars of help for Americans working hard to educate their kids.

Education has made this country great. We should not let this opportunity pass us by. We should not let these education-related tax provisions expire. We should also continue to help make education affordable for families and students. This makes education accessible for all. I look forward to working with my colleagues on passing this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. PERMANENT EXTENSION AND INCREASE OF AMERICAN OPPORTUNITY TAX CREDIT.

(a) PERMANENT EXTENSION OF CREDIT; INCREASE OF CREDIT AMOUNT.—Section 25A is amended—

(1) by striking ''$1,000'' each place it appears in subsection (b)(1) and inserting ''$2,000'',

(2) by striking ''the applicable limit'' in subsection (b)(1)(B) and inserting ''$4,000'',

(3) by striking paragraph (4) of subsection (b),

(4) by striking ''2 TAXABLE YEARS'' in the heading of subparagraph (A) of subsection (b)(2) and inserting ''4 TAXABLE YEARS'',

(5) by striking ''2 prior taxable years'' in subsection (b)(2)(A) and inserting ''4 prior taxable years'',

(6) by striking ''2 YEARS'' in the heading of subparagraph (C) of subsection (b)(2) and inserting ''4 YEARS'',

(7) by striking ''first 2 years'' in subsection (b)(2)(C) and inserting ''first 4 years'',

(8) by striking ''tuition and fees'' in subparagraph (A) of subsection (f)(1) and inserting ''tuition, fees, and course materials'',

(9) by striking paragraphs (1) and (2) of subsection (d) and inserting the following new paragraphs:

''(1) HOPE SCHOLARSHIP CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (1) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $80,000 ($160,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).

''(2) LIFETIME LEARNING CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (2) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $40,000 ($80,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).'',

(10) by striking ''DOLLAR LIMITATION ON AMOUNT OF CREDIT'' in the heading of paragraph (1) of subsection (h) and inserting ''HOPE SCHOLARSHIP CREDIT'',

(11) by striking ''2001'' in subsection (h)(1)(A) and inserting ''2011'',

(12) by striking ''the $1,000 amounts under subsection (b)(1)'' in subsection (h)(1)(A) and inserting ''the dollar amounts under subsections (b)(1) and (d)(1)'',

(13) by striking ''calendar year 2000'' in subsection (h)(1)(A)(ii) and inserting ''calendar year 2010'',

(14) by striking ''If any amount'' and all that follows in subparagraph (B) of subsection (h)(1) and inserting ''If any amount under subsection (b)(1) as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100. If any amount under subsection (d)(1) as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.'',

(15) by inserting ''OF LIFETIME LEARNING CREDIT'' after ''INCOME LIMITS'' in the heading of paragraph (2) of subsection (h),

(16) by adding at the end of subsection (b) the following new paragraphs:

''(4) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this subsection and sections 23, 25D, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 25B, 26, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit.

''(5) PORTION OF CREDIT MADE REFUNDABLE.—40 percent of so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit (determined after the application of subsection (d)(1) and without regard to this paragraph and section 26(a)(2) or paragraph (4), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.'', and

(17) by striking subsection (i).

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(2) Section 25(e)(1)(C)(ii) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(3) Section 26(a)(1) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(4) Section 25B(g)(2) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(5) Section 904(i) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(6) Section 1400C(d)(2) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(7) Section 6211(b)(4)(A) is amended by striking ''25A by reason of subsection (i)(6) thereof'' and inserting ''25A by reason of subsection (b)(5) thereof''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(d) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates.

SEC. 3. PERMANENT EXTENSION OF CERTAIN EGTRRA PROVISIONS RELATING TO EDUCATION.

(a) IN GENERAL.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by sections 401, 402, 411, 412, 413, and 431 of such Act.

(b) CONFORMING AMENDMENT.—Section 222 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 4. PERMANENT EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''during 2002, 2003, 2004, 2005, 2006, 2007, 2008, or 2009'' and inserting ''after 2001''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 5. PERMANENT EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by striking ''and, except as provided in paragraph (4), zero thereafter'' and inserting ''and, except as provided in paragraph (5), $700,000,000 for each calendar year thereafter''.

(b) INFLATION ADJUSTMENT.—Subsection (c) of section 54E is amended by adding at the end the following new paragraph:

''(5) INFLATION ADJUSTMENT.—In the case of any calendar year after 2011, the $700,000,000 amount in paragraph (1) shall be increased by an amount equal to—

''(A) such amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under this paragraph is not a multiple of $1,000,000, such increase shall be rounded to the next lowest multiple of $1,000,000.''.

(c) CREDITS NOT TO BE STRIPPED.—Section 54E is amended by adding at the end the following new subsection:

''(e) CREDITS NOT TO BE STRIPPED.—Subsection (i) of section 54A shall not apply with respect to any qualified zone academy bond.''.

(d) DAVIS-BACON RULES NOT TO APPLY TO QZABS OR SCHOOL CONSTRUCTION BONDS.—Section 1601 of the American Recovery and Reinvestment Act of 2009 is amended by striking paragraphs (3) and (4), by inserting ''and'' at the end of paragraph (2), and by redesignating paragraph (5) as paragraph (3).

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to obligations issued after December 31, 2010.

(2) DAVIS-BACON RULES.—The amendments made by subsection (d) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 6. PERMANENT EXTENSION OF SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subsection (c) of section 54F is amended—

(1) by striking paragraph (3),

(2) by inserting ''and'' at the end of paragraph (1), and

(3) by striking ''for 2010, and'' in paragraph (2) and inserting ''thereafter.''.

(b) ALLOCATIONS FOR INDIAN SCHOOLS.—Paragraph (4) of section 54F(d) is amended by striking ''for calendar year 2010'' and inserting ''for each calendar year after 2009''.

(c) EXTENSION OF SMALL ISSUER EXCEPTION.—

(1) IN GENERAL.—Clause (vii) of section 148(f)(4)(D) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

(2) ELIMINATION OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 421 of such Act.

(d) CREDITS NOT TO BE STRIPPED.—Section 54F is amended by adding at the end the following new subsection:

''(f) CREDITS NOT TO BE STRIPPED.—Subsection (i) of section 54A shall not apply with respect to any qualified school construction bond.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 7. PERMANENT EXTENSION AND MODIFICATION OF SECTION 529 RULES.

(a) IN GENERAL.—Clause (iii) of section 529(e)(3)(A) is amended by striking ''in 2009 or 2010''.

(b) ABILITY TO CHANGE INVESTMENT OPTIONS.—Subsection (e) of section 529 is amended by adding at the end the following new paragraph:

''(6) ALLOWABLE CHANGE OF INVESTMENT OPTIONS.—A program shall not fail to be treated as meeting the requirements of subsection (b)(4) merely because such program allows a designated beneficiary to change investment options under the plan not more than 4 times per year.''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2010.

(2) INVESTMENT OPTIONS.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 372—DESIGNATING MARCH 2010 AS ''NATIONAL AUTOIMMUNE DISEASES AWARENESS MONTH'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF AUTOIMMUNE DISEASES AND INCREASE FUNDING FOR AUTOIMMUNE DISEASE RESEARCH

Mr. LEVIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 372

Whereas autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues;

Whereas autoimmune diseases can affect any part of the body, including the blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems, and can be life-threatening;

Whereas researchers have identified over 80 different autoimmune diseases, and suspect at least 40 additional diseases of qualifying as autoimmune diseases;

Whereas researchers have identified a close genetic relationship and a common pathway of disease that exists among autoimmune diseases, explaining the clustering of autoimmune diseases in individuals and families;

Whereas the family of autoimmune diseases is under-recognized, and poses a major health care challenge to the United States;

Whereas the National Institutes of Health (NIH) estimates that autoimmune diseases afflict up to 23,500,000 people in the United States, 75 percent of whom are women, and that the prevalence of autoimmune diseases is rising;

Whereas NIH estimates the annual direct health care costs associated with autoimmune diseases at more than $100,000,000,000, with over 250,000 new diagnoses each year;

Whereas autoimmune diseases are among the top 10 leading causes of death in female children and adult women;

Whereas autoimmune diseases most often affect children and young adults, leading to a lifetime of disability;

Whereas diagnostic tests for most autoimmune diseases are not standardized, making autoimmune diseases very difficult to diagnose;

Whereas because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering;

Whereas the Institute of Medicine of the National Academies reported that the United States is behind other countries in research into immune system self-recognition, the cause of autoimmune diseases;

Whereas a study by the American Autoimmune Related Diseases Association revealed that it takes the average patient with an autoimmune disease more than 4 years, and costs more than $50,000, to get a correct diagnosis;

Whereas there is a significant need for more collaboration and cross-fertilization of basic autoimmune research;

Whereas there is a significant need for research focusing on the etiology of all autoimmune-related diseases, in order to increase understanding of the root causes of these diseases rather treating the symptoms after the disease has already had its destructive effect;

Whereas the National Coalition of Autoimmune Patient Groups is a coalition of national organizations focused on autoimmune diseases, working to consolidate the voices of patients with autoimmune diseases and to promote increased education, awareness, and research into all aspects of autoimmune diseases through a collaborative approach; and

Whereas designating March 2010 as ''National Autoimmune Diseases Awareness Month'' would help educate the public about autoimmune diseases and the need for research funding, accurate diagnosis, and effective treatments: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2010 as ''National Autoimmune Diseases Awareness Month'';

(2) supports the efforts of health care providers and autoimmune patient advocacy and education organizations to increase awareness of the causes of, and treatments for, autoimmune diseases; and

(3) supports the goal of increasing Federal funding for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

Mr. LEVIN. Mr. President, this resolution designates March 2010 as National Autoimmune Diseases Awareness Month. The purpose of the resolution is to raise awareness of autoimmune diseases and the need for aggressive research to learn the root causes of autoimmune diseases, as well as the best diagnostic methods and treatments for people with autoimmune diseases.

Autoimmune diseases are chronic, disabling diseases in which underlying defects in the immune system lead the body to attack its own organs and tissues. They can affect any part of the body—blood, blood vessels, muscles, nervous system, gastrointestinal tract, endocrine glands, and multiple-organ systems—and can be life-threatening.

Researchers have identified over 80 different autoimmune diseases, including multiple sclerosis, rheumatoid arthritis, juvenile diabetes, Crohn's disease, scleroderma, polymyositis, lupus, Sjogren's disease and Graves' disease, and suspect at least 40 additional diseases of having an autoimmune basis. The National Institutes of Health estimates that autoimmune diseases afflict more than 23 million people in the U.S. Seventy-five percent of the people affected with autoimmune diseases are women, and the prevalence of autoimmune diseases is rising. However, the family of autoimmune diseases is underrecognized, and this poses a major health care challenge to the U.S.

Diagnostic tests for autoimmune diseases are not standardized, which makes autoimmune diseases very difficult to diagnose. Because autoimmune diseases are difficult to diagnose, treatment is often delayed, resulting in irreparable organ damage and unnecessary suffering.

There is a significant need for more collaboration and cross-fertilization of basic autoimmune research, with a particular focus on the etiology of all autoimmune-related diseases in order to increase understanding of the root causes of these diseases rather than treating the symptoms after the disease has had its destructive effect.

It is my hope that this resolution will help educate the public about autoimmune diseases and the continued need for research towards accurate diagnosis, and effective treatments.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3001. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table.

SA 3002. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3003. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3004. Mrs. HAGAN (for herself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3005. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3006. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3007. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3008. Ms. LANDRIEU (for herself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3009. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3010. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. SNOWE, Mr. DURBIN, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3011. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Mrs. LINCOLN, Ms. SNOWE, Mr. WARNER, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3012. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3013. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3014. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, Ms. STABENOW, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3015. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3016. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3017. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3018. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3019. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3020. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3021. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3022. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3023. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3024. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3025. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3026. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3027. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3028. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3029. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3030. Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3031. Mr. WHITEHOUSE (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3032. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3033. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3034. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3035. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3036. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3037. Mr. JOHNSON (for himself, Mr. FRANKEN, Mr. BURRIS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3038. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3039. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3040. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3041. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3042. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3043. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3044. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3045. Mr. KERRY (for himself, Mr. KIRK, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEAHY, Mr. SANDERS, Mr. CARPER, and Mr. KAUFMAN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3046. Mr. KERRY (for himself, Ms. STABENOW, Ms. COLLINS, Ms. SNOWE, Mr. WYDEN, Mrs. LINCOLN, Mr. JOHNSON, Mr. SPECTER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3047. Mr. KERRY (for himself, Mr. WYDEN, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3048. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3049. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3050. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3051. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3052. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3053. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3054. Mr. ROBERTS (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS,

Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3055. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3056. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3057. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3058. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3059. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3060. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3061. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3062. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3063. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3064. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3065. Mr. CARDIN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3066. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3067. Mr. PRYOR (for himself, Mrs. BOXER, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3068. Mr. KYL (for himself, Mr. ROBERTS, Mr. VITTER, Mr. GRASSLEY, Mr. CRAPO, Mr. COBURN, Mr. BARRASSO, and Mr. JOHANNS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3069. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3070. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3071. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3072. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3073. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3074. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3075. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3076. Mr. DURBIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3077. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

SA 3078. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3001. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 974, between lines 9 and 10, insert the following:

SEC. 3316. IMPROVEMENT IN PART D MEDICATION THERAPY MANAGEMENT (MTM) PROGRAMS.

(a) IN GENERAL.—Section 1860D–4(c)(2) of the Social Security Act (42 U.S.C. 1395w–104(c)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (E), (F), and (G), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraphs:

''(C) REQUIRED INTERVENTIONS.—For plan years beginning on or after the date that is 2 years after the date of the enactment of the Patient Protection and Affordable Care Act, prescription drug plan sponsors shall offer medication therapy management services to targeted beneficiaries described in subparagraph (A)(ii) that include, at a minimum, the following to increase adherence to prescription medications or other goals deemed necessary by the Secretary:

''(i) An annual comprehensive medication review furnished person-to-person or using telehealth technologies (as defined by the Secretary) by a licensed pharmacist or other qualified provider. The comprehensive medication review—

''(I) shall include a review of the individual's medications and may result in the creation of a recommended medication action plan or other actions in consultation with the individual and with input from the prescriber to the extent necessary and practicable; and

''(II) shall include providing the individual with a written or printed summary of the results of the review.

The Secretary, in consultation with relevant stakeholders, shall develop a standardized format for the action plan under subclause (I) and the summary under subclause (II).

''(ii) Follow-up interventions as warranted based on the findings of the annual medication review or the targeted medication enrollment and which may be provided person-to-person or using telehealth technologies (as defined by the Secretary).

''(D) ASSESSMENT.—The prescription drug plan sponsor shall have in place a process to assess, at least on a quarterly basis, the medication use of individuals who are at risk but not enrolled in the medication therapy management program, including individuals who have experienced a transition in care, if the prescription drug plan sponsor has access to that information.

''(E) AUTOMATIC ENROLLMENT WITH ABILITY TO OPT-OUT.—The prescription drug plan sponsor shall have in place a process to—

''(i) subject to clause (ii), automatically enroll targeted beneficiaries described in subparagraph (A)(ii), including beneficiaries identified under subparagraph (D), in the medication therapy management program required under this subsection; and

''(ii) permit such beneficiaries to opt-out of enrollment in such program.''.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall limit the authority of the Secretary of Health and Human Services to modify or broaden requirements for a medication therapy management program under part D of title XVIII of the Social Security Act or to study new models for medication therapy management through the Center for Medicare and Medicaid Innovation under section 1115A of such Act, as added by section 3021.

SA 3002. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1722, after line 24, insert the following:

''(C) USE OF TECHNOLOGY.—The Secretary shall incorporate the use of technologies, including analytics and predictive modeling, as part of the analysis process for the purpose of identifying fraud, abuse, or improper payments prior to the payment of claims. Such analysis technologies shall at a minimum—

''(i) have the capability to detect emerging fraud schemes through the use of automated predictive modeling techniques; and

''(ii) improve the efficiency and effectiveness of current fraud and abuse detection methods by incorporating predictive risk scoring techniques that minimize investigations that result in false positive outcomes.''.

SA 3003. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

Subtitle ____—Better Diabetes Care

SEC. ____1. SHORT TITLE.

This subtitle may be cited as the ''Catalyst to Better Diabetes Care Act of 2009''.

SEC. ____2. DIABETES SCREENING COLLABORATION AND OUTREACH PROGRAM.

(a) ESTABLISHMENT.—With respect to diabetes screening tests and for the purposes of reducing the number of undiagnosed seniors with diabetes or prediabetes, the Secretary of Health and Human Services (referred to in this subtitle as the ''Secretary''), in collaboration with the Director of the Centers for Disease Control and Prevention (referred to in this section as the ''Director''), shall—

(1) review uptake and utilization of diabetes screening benefits to identify and address any existing problems with regard to utilization and data collection mechanisms;

(2) establish an outreach program to identify existing efforts by agencies and by the private and nonprofit sectors to increase awareness among seniors and providers of diabetes screening benefits; and

(3) maximize cost effectiveness in increasing utilization of diabetes screening benefits.

(b) CONSULTATION.—In carrying out this section, the Secretary and the Director shall consult with—

(1) various units of the Federal Government, including the Centers for Medicare & Medicaid Services, the Surgeon General of the Public Health Service, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and the National Institutes of Health; and

(2) entities with an interest in diabetes, including industry, voluntary health organizations, trade associations, and professional societies.

SEC. ____3. ADVISORY GROUP REGARDING EMPLOYEE WELLNESS AND DISEASE MANAGEMENT BEST PRACTICES.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory group consisting of representatives of the public and private sector. The advisory group shall include—

(1) representatives of the Department of Health and Human Services;

(2) representatives of the Department of Commerce; and

(3) members of the public, representatives of the private sector, and representatives of the small business community, who have experience with diabetes or in administering and operating employee wellness and disease management programs.

(b) DUTIES.—The advisory group established under subsection (a) shall examine and make recommendations of best practices of employee wellness and disease management programs in order to—

(1) provide public and private sector entities with improved information in assessing the role of employee wellness and disease management programs in saving money and improving quality of life for patients with chronic illnesses; and

(2) encourage the adoption of effective employee wellness and disease management programs.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the advisory group established under subsection (a) shall submit to the Secretary the results of the examination under subsection (b)(1).

SEC. ____4. NATIONAL DIABETES REPORT CARD.

(a) IN GENERAL.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention (referred to in this section as the ''Director''), shall prepare on a biennial basis a national diabetes report card (referred to in this section as a ''Report Card'') and, to the extent possible, for each State.

(b) CONTENTS.—

(1) IN GENERAL.—Each Report Card shall include aggregate health outcomes related to individuals diagnosed with diabetes and prediabetes including—

(A) preventative care practices and quality of care;

(B) risk factors; and

(C) outcomes.

(2) UPDATED REPORTS.—Each Report Card that is prepared after the initial Report Card shall include trend analysis for the Nation and, to the extent possible, for each State, for the purpose of—

(A) tracking progress in meeting established national goals and objectives for improving diabetes care, costs, and prevalence (including Healthy People 2010); and

(B) informing policy and program development.

(c) AVAILABILITY.—The Secretary, in collaboration with the Director, shall make each Report Card publicly available, including by posting the Report Card on the Internet.

SEC. ____5. IMPROVEMENT OF VITAL STATISTICS COLLECTION.

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate agencies and States, shall—

(1) promote the education and training of physicians on the importance of birth and death certificate data and how to properly complete these documents, including the collection of such data for diabetes and other chronic diseases;

(2) encourage State adoption of the latest standard revisions of birth and death certificates; and

(3) work with States to re-engineer their vital statistics systems in order to provide cost-effective, timely, and accurate vital systems data.

(b) DEATH CERTIFICATE ADDITIONAL LANGUAGE.—In carrying out this section, the Secretary may promote improvements to the collection of diabetes mortality data, including the addition of a question for the individual certifying the cause of death regarding whether the deceased had diabetes.

SEC. ____6. STUDY ON APPROPRIATE LEVEL OF DIABETES MEDICAL EDUCATION.

(a) IN GENERAL.—The Secretary shall, in collaboration with the Institute of Medicine and appropriate associations and councils, conduct a study of the impact of diabetes on the practice of medicine in the United States and the appropriateness of the level of diabetes medical education that should be required prior to licensure, board certification, and board recertification.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit a report on the study under subsection (a) to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committees on Finance and Health, Education, Labor, and Pensions of the Senate.

SEC. ____7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle such sums as may be necessary.

SA 3004. Mrs. HAGAN (for herself and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, after line 24, add the following:

''(d) CLEAR TRANSPARENCY OF HEALTH CARE CHARGES.—

''(1) PUBLIC DISCLOSURE OF REIMBURSEMENT AMOUNTS.—A health insurance issuer offering group or individual health insurance coverage shall report at least once a year to the Secretary the current allowable reimbursement that the issuer will provide for all covered benefits and services (other than prescription medications dispensed through a licensed pharmacy), including—

''(A) with respect to services provided by in-network providers where payment is made in part or in full on a fee for service basis, the current allowed charge for specific services using currently accepted procedure coding associated with each provider; and

''(B) the expected reasonable and allowed charges made for services by out-of-network providers and the amount the issuer would reimburse for such charges.

''(2) ACCESSIBILITY.—Information submitted to the Secretary under paragraph (1) shall be maintained by the Secretary in a manner that ensures that such information is readily accessible by the public.

''(3) REGULATIONS.—Not later than one year after the date of enactment of the Patient Protection and Affordable Care Act, the Secretary shall promulgate regulations to implement the requirements of this subsection.''.

SA 3005. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, line 5, strike ''small business development centers'' and insert ''resource partners of the Small Business Administration''.

SA 3006. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1280, between lines 18 and 19, insert the following:

(VIII) small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) and self-employed individuals; and

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SA 3007. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, between lines 21 and 22, insert the following:

(4) a survey of the cost and affordability of health care insurance provided under the Exchanges for owners and employees of small business concerns (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), including data on enrollees in Exchanges and individuals purchasing health insurance coverage outside of Exchanges; and

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SA 3008. Ms. LANDRIEU (for herself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. 9024. SMALL BUSINESS PROCUREMENT.

Part 19 of the Federal Acquisition Regulation, section 15 of the Small Business Act (15 U.S.C. 644), and any other applicable laws or regulations establishing procurement requirements relating to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) may not be waived with respect to any contract awarded under any program or other authority under this Act or an amendment made by this Act.

SA 3009. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 16 and 17, insert the following:

(f) ALLOCATION OF FUNDING FOR SMALL BUSINESSES.—Of the amount appropriated under subsection (e), a reasonable amount, as determined by the Secretary, shall be used to provide reimbursement to participating employment-based plans of small employers with 50 or fewer employees.

SA 3013. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 55, line 4, strike ''website,'' and all that follows through line 5 on page 56 and insert the following: ''website, through which a resident of, or small business in, any State may identify affordable health insurance coverage options in that State.

(2) CONNECTING TO AFFORDABLE COVERAGE.—An Internet website established under paragraph (1) shall, to the extent practicable, provide ways for residents of, and small businesses in, any State to receive information on at least the following coverage options:

(A) Health insurance coverage offered by health insurance issuers, other than coverage that provides reimbursement only for the treatment or mitigation of—

(i) a single disease or condition; or

(ii) an unreasonably limited set of diseases or conditions (as determined by the Secretary).

(B) Medicaid coverage under title XIX of the Social Security Act.

(C) Coverage under title XXI of the Social Security Act.

(D) A State health benefits high risk pool, to the extent that such high risk pool is offered in such State; and

(E) Coverage under a high risk pool under section 1101.

(F) Coverage within the small group market for small businesses and their employees, including reinsurance for early retirees under section 1102, tax credits available under section 45R of the Internal Revenue Code of 1986 (as added by section 1421), and other information specifically for small businesses regarding affordable health care options.''.

SA 3011. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 349, line 16, strike all through page 350, line 14.

SA 3012. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. 9024. EXTENSION OF SMALL BUSINESS TAX CREDIT TO 5 YEARS.

(a) IN GENERAL.—Section 45R(e)(2) of the Internal Revenue Code of 1986, as added by section 1421(a), is amended by striking ''2-consecutive-taxable year'' and inserting ''5-consecutive-taxable year''.

(b) CONFORMING AMENDMENT.—Section 45R(i)) of the Internal Revenue Code of 1986, as so added, is amended by striking ''2-year'' and inserting ''5-year''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1421.

SA 3013. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 274, after line 25, add the following:

SEC. 90___. PARTIAL DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(4) REDUCED DEDUCTION FOR SELF-EMPLOYMENT TAX PURPOSES.—In determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2, the deduction allowable by reason of this subsection shall be reduced by an amount equal to 50 percent of the amount which would otherwise be allowable (determined without regard to this paragraph).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3014. Ms. LANDRIEU (for herself, Mrs. SHAHEEN, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. 9024. EXTENSION OF SMALL BUSINESS TAX CREDIT TO 2010.

(a) IN GENERAL.—Subsections (d)(3)(B)(i) and (g) of section 45R of the Internal Revenue Code of 1986, as added by section 1421(a),

is amended by striking ''2011'' each place it appears and inserting ''2010, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) Section 280C(h) of the Internal Revenue Code of 1986, as added by section 1421(d)(1), is amended by striking ''2011'' and inserting ''2010, 2011''.

(2) Section 1421(f) is amended by striking ''2010'' both places it appears and inserting ''2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 1421.

SA 3015. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF ACCESS TO QUALITY HEALTH CARE THROUGH THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

(a) HEALTH CARE THROUGH DEPARTMENT OF VETERANS AFFAIRS.—Nothing in this Act shall be construed to prohibit, limit, or otherwise penalize veterans and dependents eligible for health care through the Department of Veterans Affairs under the laws administered by the Secretary of Veterans Affairs from receiving timely access to quality health care in any facility of the Department or from any non-Department health care provider through which the Secretary provides health care.

(b) HEALTH CARE THROUGH DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Nothing in this Act shall be construed to prohibit, limit, or otherwise penalize eligible beneficiaries from receiving timely access to quality health care in any military medical treatment facility or under the TRICARE program.

(2) DEFINITIONS.—In this subsection:

(A) The term ''eligible beneficiaries'' means covered beneficiaries (as defined in section 1072(5) of title 10, United States Code) for purposes of eligibility for mental and dental care under chapter 55 of title 10, United States Code.

(B) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

SA 3016. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 246, between lines 7 and 8, insert the following:

''(C) SPECIAL RULES TO ENSURE CITIZENS AND NATIONALS OF THE UNITED STATES HAVE THE SAME HEALTH CARE CHOICES AS LEGAL IMMIGRANTS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this Code, the Patient Protection and Affordable Care Act, or any amendment made by that Act, any taxpayer who—

''(I) is a citizen or national of the United States; and

''(II) has a household income which is not greater than 133 percent of an amount equal to the poverty line for a family of the size involved,

may elect to enroll in a qualified health plan through the Exchange established by the State under section 1311 of the Patient Protection and Affordable Care Act instead of enrolling in the State Medicaid plan under title XIX of the Social Security, or under a waiver of such plan.

''(ii) SPECIAL RULES.—

''(I) An individual making an election under clause (i) shall waive being provided with medical assistance under the State Medicaid plan under title XIX of the Social Security, or under a waiver of such plan while enrolled in a qualified health plan.

''(II) In the case of an individual who is a child, the child's parent or legal guardian may make such an election on behalf of the child.

''(III) Any individual making such an election, or on whose behalf such an election is made, shall be treated as an applicable taxpayer with a household income which is equal to 100 percent of the poverty line for a family of the size involved.

SA 3017. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle C of title I, insert the following:

SEC. 1202. APPLICATION OF WELLNESS PROGRAMS PROVISIONS TO CARRIERS PROVIDING FEDERAL EMPLOYEE HEALTH BENEFITS PLANS.

(a) IN GENERAL.—Notwithstanding section 8906 of title 5, United States Code (including subsections (b)(1) and (b)(2) of such section), section 2705(j) of the Public Health Service Act (as added by section 1201) (relating to wellness programs) shall apply to carriers entering into contracts under section 8902 of title 5, United States Code.

(b) PROPOSALS.—Carriers may submit separate proposals relating to voluntary wellness program offerings as part of the annual call for benefit and rate proposals to the Office of Personnel Management.

(c) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and shall apply to contracts entered into under section 8902 of title 5, United States Code, that take effect with respect to calendar years that begin more than 1 year after that date.

SA 3018. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. APPOINTMENT OF HEALTH CARE CZARS.

Notwithstanding any other provision of this Act, any individual appointed by the President as a czar to handle health care issues shall be subject to Senate confirmation.

SA 3019. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 16, insert '' or meets the requirements for a high deductible health plan under section 223(c)(2) of the Internal Revenue Code of 1986'' after ''section 1302(a)''.

SA 3020. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EQUIVALENT BANKRUPTCY PROTECTIONS FOR HEALTH SAVINGS ACCOUNTS AS RETIREMENT FUNDS.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended by adding at the end the following new subsection:

''(r) TREATMENT OF HEALTH SAVINGS ACCOUNTS.—For purposes of this section, any health savings account (as described in section 223 of the Internal Revenue Code of 1986) shall be treated in the same manner as an individual retirement account described in section 408 of such Code.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to cases commencing under title 11, United States Code, after the date of the enactment of this Act.

SA 3021. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

SEC. 3115. ENSURING THAT AN INDIVIDUAL WHO ELECTS TO OPT-OUT OF MEDICARE PART A BENEFITS IS NOT ALSO REQUIRED TO OPT-OUT OF SOCIAL SECURITY BENEFITS.

Notwithstanding any other provision of law, in the case of an individual who elects to opt-out of benefits under part A of title XVIII of the Social Security Act, such individual shall not be required to opt-out of

benefits under title II of such Act as a condition for making such election.

SA 3022. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 923, between lines 7 and 8, insert the following:

SEC. ___. LIMITATION ON IMPLEMENTATION.

Notwithstanding any other provision of law, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall not implement the amendments made by and the provisions of this part for any year unless the Secretary certifies with respect to such year that such amendments and provisions will not result in any individual who would otherwise be enrolled in a Medicare Advantage plan under part C of title XVIII of the Social Security Act being forced away from or losing their enrollment in such plan, as such enrollment was in effect on the day before the date of enactment of this Act.

SA 3023. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1053, between lines 2 and 3, insert the following:

SEC. 3404. ENSURING MEDICARE SAVINGS ARE KEPT IN THE MEDICARE PROGRAM.

No reduction in outlays under the Medicare program under title XVIII of the Social Security Act under the provisions of and amendments made by this Act may be utilized to offset any outlays under any other program or activity of the Federal government.

SA 3024. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USING MEDICARE SAVINGS TO OFFSET PROGRAMS UNRELATED TO MEDICARE.

Title III of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding at the end the following:

''SEC. 316. PROHIBITION ON USING MEDICARE SAVINGS TO OFFSET PROGRAMS UNRELATED TO MEDICARE.

''For purposes of this title and title IV, a reduction in outlays under title XVIII of the Social Security Act may not be counted as an offset to any outlays under any other program or activity of the Federal Government.''.

SA 3025. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1050, between lines 9 and 10, insert the following:

''(n) REDUCTIONS IN MEDICARE PROGRAM SPENDING NOT COUNTED TOWARDS THE PAY-AS-YOU-GO SCORECARD.—Any reductions in Medicare program spending enacted pursuant to this section shall not count towards the pay-as-you-go scorecard under section 201(a)(6) of S. Con. Res. 21 (110th Congress).''.

SA 3026. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2044, between lines 7 and 8, insert the following:

(d) ADDITIONAL HOSPITAL INSURANCE TAX SOLELY DEDICATED TO MEDICARE.—It is the policy of Congress that the additional hospital insurance taxes resulting from the amendments made by this section shall, as is the case regarding such taxes under the Social Security Act as in effect on the date of the enactment of this Act, be deposited into the Federal Hospital Insurance Trust Fund and under the terms of that Trust Fund used only for purposes of funding the medicare program under part A of title XVIII of the Social Security Act.

SA 3027. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

SEC. 2008. STATE OPTION TO OPT-OUT OF MEDICAID COVERAGE EXPANSION TO AVOID ASSUMING UNFUNDED FEDERAL MANDATE.

Notwithstanding any other provision of this Act (or an amendment made by this Act), the Governor of a State shall have the authority to opt out of any provision under this Act or any amendment made by this Act that requires the State to expand coverage under the Medicaid program if the State agency responsible for administering the State plan under title XIX certifies that such expansion would result in an increase of at least 1 percent in the total amount of expenditures by the State for providing medical assistance to all individuals enrolled under the State plan, when compared to the total amount of such expenditures for the most recently ended State fiscal year.

SA 3028. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY AND REPORT ON MEDICARE COVERAGE FOR MEDICAL EQUIPMENT USED IN THE TREATMENT OF CIRCULATORY DISEASES.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study on the feasibility and advisability of providing for reimbursement under the Medicare program under title XVIII of the Social Security Act for gradient pumps and compression stockings that are used in the treatment of individuals with lymphedema, chronic venous insufficiency, and other circulatory diseases. Such study shall include an analysis of the following:

(1) The types of gradient pumps and compression stockings that are currently available on the market.

(2) The clinical appropriateness of providing gradient pumps and compression stockings for Medicare beneficiaries who have been diagnosed with lymphedema, chronic venous insufficiency, and other circulatory diseases.

(3) The financial impact on the Medicare program (including a description of any resulting costs or savings) if reimbursement were to be provided for gradient pumps and compression stockings that are used in the treatment of lymphedema, chronic venous insufficiency, and other circulatory diseases.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SA 3029. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 356, between lines 19 and 20, insert the following:

''(f) LIMITATION.—A full-time employee shall not be taken into account for purposes of calculating the amount of any assessable payment imposed under subsections (a), (b), or (c) if such employee performs the majority of services in a State—

''(1) the unemployment rate of which exceeds 6 percent, and

''(2) the Governor of which has certified that the assessable penalties imposed under this section have contributed to such unemployment rate.''.

SA 3030. Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike line 10 through line 14 and insert the following:

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—The Secretary, in conjunction with States, shall establish a uniform process for the annual review, beginning with the 2010 plan year and subject to subsection (b)(2)(A), of unreasonable increases in premiums for health insurance coverage.

''(B) ELECTRONIC REPORTING.—The process established under subparagraph (A) shall include an electronic reporting system established by the Secretary through which health insurance issuers shall report to the Secretary and State insurance commissioners the information requested by the Secretary pursuant to this subsection.

On page 37, between lines 24 and 25, insert the following:

''(3) HEALTH INSURANCE RATE AUTHORITY.—

''(A) IN GENERAL.—The Secretary shall establish a Health Insurance Rate Authority (referred to in this paragraph as the 'Authority') to be composed of 7 members to be appointed by the Secretary, of which—

''(i) at least 2 members shall be a consumer advocate with expertise in the insurance industry;

''(ii) at least 1 member shall be an individual who is a medical professional;

''(iii) at least 1 member shall be a representative of health insurance issuers; and

''(iv) such remaining members shall be individuals who are recognized for their expertise in health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, and other related fields, who provide broad geographic representation and a balance between urban and rural members.

''(B) ROLE.—In addition to the other duties of the Authority set forth in this subsection, the Authority shall advise and make recommendations to the Secretary concerning the Secretary's duties under this subsection.

''(4) CORRECTIVE ACTION FOR UNJUSTIFIED RATE INCREASES.—

''(A) IN GENERAL.—Pursuant to the procedures set forth in this paragraph, the Secretary or the relevant State insurance commissioner shall—

''(i) review potentially unreasonable rate increases and determine whether such increases are justified; and

''(ii) take action to ensure that any rate increase found to be unjustified under clause (i) is corrected, through mechanisms including—

''(I) denial of the rate increase;

''(II) modification of the rate increase;

''(III) ordering rebates to consumers; or

''(IV) any other actions that correct for the unjustified increase.

''(B) REQUIRED REPORT.—The Secretary shall ensure that, not later than 6 months after the date of enactment of the Patient Protection and Affordable Care Act, the National Association of Insurance Commissioners (referred to in this section as the 'Association'), in conjunction with States, or other appropriate body, will provide to the Secretary and the Authority a report on—

''(i) State authority to review rates in each insurance market, and methodologies used in such reviews;

''(ii) rating requests received by the State in the previous 12 months and subsequent actions taken by States to approve, deny, or modify such requests; and

''(iii) justifications by insurance issuers for rate requests.

''(C) DETERMINATION OF WHO CONDUCTS REVIEWS FOR EACH STATE.—Using the report submitted pursuant to subparagraph (B), the Secretary shall determine not later than 1 year after the date of enactment of the Patient Protection and Affordable Care Act—

''(i) for which States the State insurance commissioner shall undertake the actions described in subparagraph (A)—

''(I) based on the Secretary's determination that the State has sufficient authority and capability to deny rates, modify rates, provide rebates, or take other corrective actions; and

''(II) as a condition of receiving a grant under subsection (c)(1); and

''(ii) for which States the Secretary shall undertake the actions described in subparagraph (A), based on the Secretary's determination that such States lacks the authority and capability described in clause (i).

''(D) TRANSITION PERIOD.—Until the Secretary makes the determinations described in subparagraph (C), the relevant State insurance commissioner shall, as a condition of receiving a grant under subsection (c)(1), carry out the action described in subparagraph (A).

''(E) SUNSET.—Beginning on the date on which subsection (b)(2)(A) applies, the requirements of this paragraph shall no longer have force or effect.

''(5) PRIORITIZING PROPOSED PREMIUM INCREASES FOR REVIEW.—In determining which proposed premium increases to review under this subsection, the Secretary or the relevant State insurance commissioner may prioritize—

''(A) rate increases which exceed market averages;

''(B) rate increases that will impact large numbers of consumers; and

''(C) rate reviews requested from States, if applicable.

''(6) ANNUAL REPORT.—

''(A) UNIFORM DATA COLLECTION SYSTEM.—The Secretary, in consultation with the Association and the Authority, shall develop a uniform data collection system for rate information, which shall include information on rates, medical loss ratios, consumer complaints, solvency, reserves, and any other relevant factors of market conduct.

''(B) PREPARATION OF ANNUAL REPORT.—Using the data obtained in accordance with subparagraph (A), the Authority shall annually produce a single, aggregate report on insurance market behavior, which includes—

''(i) State-by-State information on rate increases from one year to the next, including by issuer and by market and including medical trends, benefit changes, and relevant demographic changes; and

''(ii) a national growth rate percentage for every issuer, which shall be based on aggregated data of such issuer from premiums sold in the each market.

''(C) DISTRIBUTION.—The Authority shall share the annual report described in subparagraph (B) with States, and include such report in the information disclosed to the public.

''(7) RECOMMENDATION ON EXCHANGE PARTICIPATION.—

''(A) IN GENERAL.—Based on the information provided pursuant to this subsection and other relevant information, the official described in subparagraph (B) shall make recommendations to State Exchanges about whether particular health insurance issuers should be excluded from participation in the Exchange based on a pattern of excessive premium increases, low medical loss ratios, or market conduct.

''(B) REVIEWING OFFICIAL.—Either the Secretary or the relevant State insurance commissioner or commissioners, based on the determination in paragraph (4)(C), shall make the recommendations described in subparagraph (A).

On page 144, line 12, strike ''may'' and insert ''shall''.

SA 3031. Mr. WHITEHOUSE (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1507, after line 19, insert the following:

SEC. 5510. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN WOMEN'S HOSPITALS.

Subpart IX of part D of title III of the Public Health Service Act (42 U.S.C. 256e et seq.) is amended—

(1) in the subpart heading, by adding ''**and Women's Hospitals**'' at the end; and

(2) by adding at the end the following:

''SEC. 340E-1. SUPPORT OF GRADUATE MEDICAL EDUCATION PROGRAMS IN WOMEN'S HOSPITALS.

''(a) PAYMENTS.—The Secretary shall make two payments under this section to each women's hospital for each of fiscal years 2010 through 2014, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs. The Secretary shall promulgate regulations pursuant to the rulemaking requirements of title 5, United States Code, which shall govern payments made under this subpart.

''(b) AMOUNT OF PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the amounts payable under this section to a women's hospital for an approved graduate medical residency training program for a fiscal year shall be each of the following:

''(A) DIRECT EXPENSE AMOUNT.—The amount determined in accordance with subsection (c) for direct expenses associated with operating approved graduate medical residency training programs for a fiscal year.

''(B) INDIRECT EXPENSE AMOUNT.—The amount determined in accordance with subsection (c) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs for a fiscal year.

''(2) CAPPED AMOUNT.—

''(A) IN GENERAL.—The total of the payments made to women's hospitals under paragraph (1) in a fiscal year shall not exceed the funds appropriated under subsection (e) for such payments for that fiscal year.

''(B) PRO RATA REDUCTIONS OF PAYMENTS.—If the Secretary determines that the amount of funds appropriated under subsection (e) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

''(3) ANNUAL REPORTING REQUIRED.—The provisions of subsection (b)(3) of section 340E shall apply to women's hospitals under this section in the same manner as such provisions apply to children's hospitals under such section 340E. In applying such provisions, the Secretary may make such modifications as may be necessary to apply such provisions to women's hospitals.

''(c) APPLICATION OF CERTAIN PROVISIONS.—The provisions of subsections (c) and (d) of section 340E shall apply to women's hospitals under this section in the same manner as such provisions apply to children's hospitals under such section 340E. In applying such provisions, the Secretary may make such modifications as may be necessary to apply such provisions to women's hospitals.

''(d) MAKING OF PAYMENTS.—

''(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 12 equal interim installments during such period. Such interim payments to each individual hospital shall be based on the number of residents reported in the hospital's most recently filed Medicare cost report prior to the application date for the Federal fiscal year for which the interim payment amounts are established. In the case of a hospital that does not report residents on a Medicare cost report, such interim payments shall be based on the number of residents trained during the hospital's most recently completed Medicare cost report filing period.

''(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment for direct and indirect graduate medical education paid under paragraph (1) as necessary to ensure a hospital will not be overpaid on an interim basis.

''(3) RECONCILIATION.—Prior to the end of each fiscal year, the Secretary shall determine any changes to the number of residents reported by a hospital in the application of the hospital for the current fiscal year to determine the final amount payable to the hospital for the current fiscal year for both direct expense and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made and pay any balance due to the extent possible. The final amount so determined shall be considered a final intermediary determination for the purposes of section 1878 of the Social Security Act and shall be subject to administrative and judicial review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $12,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2014.

''(f) DEFINITIONS.—In this section:

''(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term 'approved graduate medical residency training program' has the meaning given the term 'approved medical residency training program' in section 1886(h)(5)(A) of the Social Security Act.

''(2) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term 'direct graduate medical education costs' has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.

''(3) WOMEN'S HOSPITAL.—The term 'women's hospital' means a hospital—

''(A) that has a Medicare provider agreement under title XVIII of the Social Security Act;

''(B) that has an approved graduate medical residency training program;

''(C) that has not been excluded from the Medicare prospective payment system;

''(D) that had at least 3,000 births during 2007, as determined by the Centers for Medicare & Medicaid Services; and

''(E) with respect to which and as determined by the Centers for Medicare & Medicaid Services, less than 4 percent of the total discharges from the hospital during 2007 were Medicare discharges of individuals who, as of the time of the discharge—

''(i) were enrolled in the original Medicare fee-for-service program under part A of title XVIII of the Social Security Act; and

''(ii) were not enrolled in—

''(I) a Medicare Advantage plan under part C of title XVIII of that Act;

''(II) an eligible organization under section 1876 of that Act; or

''(III) a PACE program under section 1894 of that Act.''.

SA 3032. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, strike line 23 and insert the following: ''be necessary to carry out this section.

''SEC. 2793A. IMPROVING OVERSIGHT OF INSURER SERVICE TO BENEFICIARIES.

''(a) DEFINITIONS.—In this section—

''(1) the term 'database' means the database established under subsection (b); and

''(2) the term 'NAIC' means the National Association of State Insurance Commissioners.

''(b) MONITORING INSURER HANDLING OF REQUESTS FOR COVERAGE OF MEDICAL CARE.—

''(1) ESTABLISHMENT.—The Secretary shall, in consultation with the NAIC, establish and maintain a nationally consistent database that, using standardized definitions, tracks claims handling performance by—

''(A) all group health plans (and health insurance issuers offering group health insurance coverage in connection with a group health plan) and health insurance issuers that offer health insurance coverage in the individual market; and

''(B) external review organizations that consider and resolve external appeals from such plans and issuers.

''(2) CONTENT.—The database shall include information on the nature, timing, final disposal, and other relevant details (as determined by the Secretary) of claims, appeals, reviews, and requests for or denials of treatment by the entities described in paragraph (1). The Secretary may limit the content of the database to those claims that are monetarily significant, as determined by the Secretary.

''(3) COLLECTION OF DATA.—The Secretary shall have the authority to collect and audit data from entities described in paragraph (1) necessary to implement the database, except that, in the case of such plans and issuers subject to the Employee Retirement Income Security Act of 1974, such data shall be collected by the Secretary of Labor for use by the Secretary. At the discretion of the Secretary, such data collection authority may be delegated to State insurance regulators.

''(4) DATA PROTECTION AND PRIVACY.—The Secretary and the Secretary of Labor shall ensure the confidentiality and privacy of any claims data submitted pursuant to this section. Within 1 year of the date of enactment of this section, the Secretary shall promulgate a proposed regulation to ensure that such data is protected against any violation of the privacy and confidentiality of an individual's medical records. Within 180 days of such promulgation, the Comptroller General shall publish a report on the adequacy of such regulation to ensure such protection. The database shall not include names, unencrypted Social Security numbers, addresses, or other information that may uniquely identify an individual.

''(5) TABULATION; CLASSIFICATION.—The Secretary shall work with the NAIC to develop a procedure for centralized tabulation and classification of consumer complaints related to claims handling, appeals, and reviews by the entities described in paragraph (1).

''(c) IMPLEMENTATION.—The Secretary shall implement the database not later than 2 years after the date of enactment of this section.

''(d) DISSEMINATION.—The Secretary shall make the database available to State insurance regulators, health exchanges, and consumer assistance ombudsmen, provided that such entities ensure the confidentiality and privacy of medical records and comply with all existing privacy laws, and shall update the database on a quarterly basis.

''(e) REPORTING.—Not later than January 1, 2013, and on an annual basis thereafter, the Secretary shall issue a public report assessing the performance of the plans and issuers described in subsection (b)(1)(A) regarding claims handling, appeals, and reviews. Such report shall assess whether there is any evidence of a pattern of denial or delay of medically necessary claims or appeals.''.

SA 3033. Mr. CASEY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1133, between lines 22 and 23, insert the following:

SEC. 3511. CONSISTENT QUALITY ACCREDITATION REQUIREMENTS FOR PROVIDERS CONTRACTING WITH MEDICARE ADVANTAGE PLANS AND STATE MEDICAID PROGRAMS.

(a) MEDICARE ADVANTAGE.—Section 1854(a)(6)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–24(a)(6)(B)(iii)) is amended—

(1) by striking ''In order to'' and inserting the following:

''(aa) IN GENERAL.—In order to''; and

(2) by adding at the end the following:

''(bb) QUALITY ASSURANCE.—An MA organization shall not prohibit a particular hospital, physician or other entity within a category of healthcare providers from eligibility to contract with the MA organization because of a separate policy of the MA organization that does not recognize an approved nationally recognized accreditation organization with the appropriate 'deeming authority' from the Secretary.''.

(b) STATE MEDICAID PLAN REQUIREMENT.—Section 1902(a)(23) of the Social Security Act (42 U.S.C. 1396a(a)(23)) is amended by inserting ''and (C) the State plan and a primary

care case-management system (described in section 1915(b)(1)), a medicaid managed care organization, or a similar entity shall not prohibit a particular hospital, physician or other entity within a category of healthcare providers from being qualified to perform a service or services because of a separate policy of the State plan, system, organization, or entity that does not recognize an approved nationally recognized accreditation organization with the appropriate 'deeming authority' from the Secretary'' after ''subsection (g) and in section 1915''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act and, in the case of MA organizations under part C of title XVIII of the Social Security Act, apply to plan years beginning after that date.

SA 3034. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 828, between lines 3 and 4, insert the following:

SEC. 3130. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM FOR RURAL ENTITIES.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after section 1602 the following:

''SEC. 1603. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM FOR RURAL ENTITIES.

''(a) AUTHORITY TO MAKE AND GUARANTEE LOANS.—

''(1) AUTHORITY TO MAKE LOANS.—The Secretary may make loans from the fund established under section 1602(d) to any rural entity for projects for capital improvements, including—

''(A) the acquisition of software and hardware necessary to implement electronic health records as required under section 3011;

''(B) the acquisition of land necessary for the capital improvements;

''(C) the renovation or modernization of any building;

''(D) the acquisition or repair of fixed or major movable equipment; and

''(E) such other project expenses as the Secretary determines appropriate.

''(2) AUTHORITY TO GUARANTEE LOANS.—

''(A) IN GENERAL.—The Secretary may guarantee the payment of principal and interest for loans made to rural entities for projects for any capital improvement described in paragraph (1) to any non-Federal lender.

''(B) INTEREST SUBSIDIES.—In the case of a guarantee of any loan made to a rural entity under subparagraph (A), the Secretary may pay to the holder of such loan, for and on behalf of the project for which the loan was made, amounts sufficient to reduce (by not more than 3 percent) the net effective interest rate otherwise payable on such loan.

''(b) AMOUNT OF LOAN.—The principal amount of a loan directly made or guaranteed under subsection (a) for a project for capital improvement may not exceed $2,500,000.

''(c) FUNDING LIMITATIONS.—

''(1) GOVERNMENT CREDIT SUBSIDY EXPOSURE.—The total of the Government credit subsidy exposure under the Federal Credit Reform Act of 1990 scoring protocol with respect to the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under subsection (a) may not exceed $50,000,000 per year.

''(2) TOTAL AMOUNTS.—Subject to paragraph (1), the total of the principal amount of all loans directly made or guaranteed under subsection (a) may not exceed $400,000,000 per year.

''(d) CAPITAL ASSESSMENT AND PLANNING GRANTS.—

''(1) NONREPAYABLE GRANTS.—Subject to paragraph (2), the Secretary may make a grant to a rural entity, in an amount not to exceed $50,000, for purposes of capital assessment and business planning.

''(2) LIMITATION.—The cumulative total of grants awarded under this subsection may not exceed $2,500,000 per year.

''(e) TERMINATION OF AUTHORITY.—The Secretary may not directly make or guarantee any loan under subsection (a) or make a grant under subsection (d) after September 30, 2013.''.

(b) RURAL ENTITY DEFINED.—Section 1624 of the Public Health Service Act (42 U.S.C. 300s–3) is amended by adding at the end the following:

''(15)(A) The term 'rural entity' includes—

''(i) a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act;

''(ii) any medical facility with at least 1 bed, but not more than 49 beds, that is located in—

''(I) a county that is not part of a metropolitan statistical area; or

''(II) a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)); and

''(iii) a hospital that is classified as a critical access hospital or a rural hospital with fewer than 1,500 discharges per year.

''(B) For purposes of subparagraph (A), the fact that a clinic, facility, or hospital has been geographically reclassified under the Medicare program under title XVIII of the Social Security Act shall not preclude a hospital from being considered a rural entity under clause (i) or (ii) of subparagraph (A).''.

(c) CONFORMING AMENDMENTS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q–2) is amended—

(1) in subsection (b)(2)(D), by inserting ''or 1603(a)(2)(B)'' after ''1601(a)(2)(B)''; and

(2) in subsection (d)—

(A) in paragraph (1)(C), by striking ''section 1601(a)(2)(B)'' and inserting ''sections 1601(a)(2)(B) and 1603(a)(2)(B)''; and

(B) in paragraph (2)(A), by inserting ''or 1603(a)(2)(B)'' after ''1601(a)(2)(B)''.

SA 3035. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. HEALTH CARE SAFETY NET ENHANCEMENT.

(a) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, a health care professional shall not be liable in any medical malpractice lawsuit for a cause of action arising out of the provision of, or the failure to provide, any medical service to a medically underserved or indigent individual while engaging in the provision of pro bono medical services.

(b) REQUIREMENTS.—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of pro bono care for a medically underserved or indigent individual; or

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) DEFINITION.—In this section—

(1) the term ''medically underserved individual'' means an individual who does not have health care coverage under a group health plan, health insurance coverage, or any other health care coverage program; and

(2) the term ''indigent individual'' means and individual who is unable to pay for the health care services that are provided to the individual.

SA 3036. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DISASTER VOLUNTEER HEALTH CARE PROFESSIONAL PROTECTION.

(a) LIMITATION ON LIABILITY.—Notwithstanding any other provision of law, with respect to an area in which a major disaster has been declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5721 et seq.), a health care professional who is providing health or dental services on a voluntary basis in such area, or to a non-resident victim of the disaster involved, shall not be liable for damages in a medical malpractice lawsuit for a cause of action arising out of an act or omission of such professional in providing the services involved.

(b) REQUIREMENTS.—Subsection (a) shall not apply—

(1) to any act or omission by a health care professional that is outside the scope of the services for which such professional is deemed to be licensed or certified to provide, unless such act or omission can reasonably be determined to be necessary to prevent serious bodily harm or preserve the life of the individual being treated;

(2) if the services on which the medical malpractice claim is based did not arise out of the rendering of voluntary care in the disaster area or were provided to an individual who was not a victim of the disaster; or

(3) to an act or omission by a health care professional that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by such professional.

(c) LIMITATION ON VICARIOUS LIABILITY.—An individual or a health care institution that deploys or uses a volunteer described in subsection (a) shall not be vicariously liable in a medical malpractice lawsuit with respect to services described in such subsection unless the volunteer involved is determined to be liable.

(d) RECIPROCITY WITH RESPECT TO LICENSED OR CERTIFIED HEALTH CARE PROFESSIONALS.—A health care professional that is licensed or certified in a State and who is providing health or dental services on a voluntary basis in an area in which a major disaster has been declared in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5721 et seq.), shall be deemed to be licensed or certified by the State in which such area is located with respect to such health or dental services, subject to any additional conditions, limitations, or expansions that may be applied by the chief executive of the State in which such area is located.

SA 3037. Mr. JOHNSON (for himself, Mr. FRANKEN, Mr. BURRIS, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 731, between lines 16 and 17, insert the following:

''(xix) Utilizing a diverse network of providers of services and suppliers to improve care coordination for applicable individuals described in subsection (a)(4)(A)(i) with 2 or more chronic conditions and a history of prior-year hospitalization through interventions developed under the Medicare Coordinated Care Demonstration Project under section 4016 of the Balanced Budget Act of 1997 (42 U.S.C. 1395b–1 note).

SA 3038. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

SEC. 2008. EXTENSION OF ARRA INCREASE IN FMAP.

Section 5001 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a)(3), by striking ''first calendar quarter'' and inserting ''first 3 calendar quarters'';

(2) in subsection (b)(2), by inserting before the period at the end the following: '', and such paragraph shall not apply to calendar quarters beginning on or after October 1, 2010'';

(3) in subsection (c)(4)(C)(ii), by striking ''December 2009'' and ''January 2010'' and inserting ''June 2010'' and ''July 2010'', respectively;

(4) in subsection (d), by inserting ''ending before October 1, 2010'' after ''entire fiscal years'' and after ''with respect to fiscal years'';

(5) in subsection (g)(1), by striking ''September 30, 2011'' and inserting ''December 31, 2011''; and

(6) in subsection (h)(3), by striking ''December 31, 2010'' and inserting ''June 30, 2011''.

SA 3039. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

SEC. 2008. MANAGED CARE ORGANIZATIONS.

(a) MINIMUM MEDICAL LOSS RATIO.—

(1) MEDICAID.—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) by striking ''and'' at the end of clause (xi);

(B) by striking the period at the end of clause (xii) and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(xiii) such contract has a medical loss ratio, as determined in accordance with a methodology specified by the Secretary, that is a percentage (not less than 85 percent) specified by the Secretary.''.

(2) CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 2101(d)(2), 2101(e), and 6401(c), is amended—

(A) by redesignating subparagraphs (H) through (O) as subparagraphs (I) through (P); and

(B) by inserting after subparagraph (G) the following new subparagraph:

''(H) Section 1903(m)(2)(A)(xiv) (relating to application of minimum loss ratios), with respect to comparable contracts under this title.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to contracts entered into or renewed on or after July 1, 2010.

(b) PATIENT ENCOUNTER DATA.—

(1) IN GENERAL.—Section 1903(m)(2)(A)(xi) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(xi)) is amended by inserting ''and for the provision of such data to the State at a frequency and level of detail to be specified by the Secretary'' after ''patients''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to contract years beginning on or after January 1, 2010.

SA 3040. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

SEC. 2008. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3), 2006, 4106(b), and 4107, is amended—

(A) in subsection (b), in the first sentence—

(i) by striking ''and (5)'' and inserting ''(5)''; and

(ii) by inserting ''and (6) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (cc)(1), the Federal medical assistance percentage for any State described in subsection (cc)(2) shall be equal to the national economic downturn assistance FMAP determined for the State for the quarter under subsection (cc)(3)'' before the period; and

(B) by adding at the end the following:

''(cc) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—For purposes of clause (6) of the first sentence of subsection (b):

''(1) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in this paragraph—

''(A) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (in this subsection referred to as the 'trigger quarter'); and

''(B) ends with the first succeeding fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter with an increase of at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(2) ELIGIBLE STATE.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(3) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

''(A) IN GENERAL.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

''(i) dividing—

''(I) the Medicaid additional unemployed increased cost amount determined under subparagraph (B) for the quarter; by

''(II) the State's total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

''(ii) multiplying the quotient determined under clause (i) by 100.

''(B) MEDICAID ADDITIONAL UNEMPLOYED INCREASED COST AMOUNT.—For purposes of subparagraph (A)(i)(I), the Medicaid additional unemployed increased cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

''(i) STATE INCREASE IN ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS FROM THE BASE QUARTER OF UNEMPLOYMENT.—

''(I) IN GENERAL.—The amount determined by subtracting the rolling average number of

unemployed individuals in the State for the base unemployment quarter for the State determined under subclause (II) from the rolling average number of unemployed individuals in the State for the quarter.

''(II) BASE UNEMPLOYMENT QUARTER DEFINED.—

''(aa) IN GENERAL.—For purposes of subclause (I), except as provided in item (bb), the base quarter for a State is the quarter with the lowest rolling average number of unemployed individuals in the State in the 12-month period preceding the trigger quarter for a national economic downturn assistance period described in paragraph (1).

''(bb) EXCEPTION.—If the rolling average number of unemployed individuals in a State for a quarter occurring during a national economic downturn assistance period described in paragraph (1) is less than the rolling average number of unemployed individuals in the State for the base quarter determined under item (aa), that quarter shall be treated as the base quarter for the State for such national economic downturn assistance period.

''(ii) NATIONAL AVERAGE AMOUNT OF ADDITIONAL FEDERAL MEDICAID SPENDING PER ADDITIONAL UNEMPLOYED INDIVIDUAL.—In the case of—

''(I) a calendar quarter occurring in fiscal year 2012, $350; and

''(II) a calendar quarter occurring in any succeeding fiscal year, the amount applicable under this clause for calendar quarters occurring during the preceding fiscal year, increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average), as rounded up in an appropriate manner.

''(iii) STATE NONDISABLED, NONELDERLY ADULTS AND CHILDREN MEDICAID SPENDING INDEX.—

''(I) IN GENERAL.—With respect to a State, the quotient (not to exceed 1.00) of—

''(aa) the State expenditure per person in poverty amount determined under subclause (II); divided by—

''(bb) the National expenditure per person in poverty amount determined under subclause (III).

''(II) STATE EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(aa), the State expenditure per person in poverty amount is the quotient of—

''(aa) the total amount of annual expenditures by the State for providing medical assistance under the State plan to nondisabled, nonelderly adults and children; divided by

''(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

''(III) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

''(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

''(bb) the sum of the total amounts determined under subclause (II)(bb) for all States.

''(C) STATE'S TOTAL MEDICAID QUARTERLY SPENDING AMOUNT.—For purposes of subparagraph (A)(i)(II), the State's total Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

''(i) the total amount of expenditures by the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year for which data is available; divided by

''(ii) 4.

''(4) DATA.—In making the determinations required under this subsection, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State referred to in paragraph (5), the most recently available—

''(A) data from the Bureau of the Census with respect to the number of nonelderly adults and children who reside in a State described in paragraph (2) with family income below the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved (or, if the Secretary determines it appropriate, a multiyear average of such data);

''(B) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan under this title for nondisabled, nonelderly adults and children; and

''(C) econometric studies of the responsiveness of Medicaid enrollments and spending to changes in rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.

''(5) DEFINITION OF 'ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS', 'ROLLING AVERAGE UNEMPLOYMENT RATE'.—In this subsection, the term—

''(A) 'rolling average number of unemployed individuals' means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment data for each State;

''(B) 'rolling average unemployment rate' means, with respect to a calendar quarter and a State, the average of the 12 most recent monthly unemployment rates for the State; and

''(C) 'monthly unemployment rate' means, with respect to a State, the quotient of—

''(i) the monthly seasonally adjusted number of unemployed individuals for the State; divided by

''(ii) the monthly seasonally adjusted number of the labor force for the State,

using the most recent data available from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State,

''(6) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—With respect to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, the amounts otherwise determined for such commonwealth or territory under subsections (f) and (g) of section 1108 shall be increased by such percentage of such amounts as the Secretary determines is equal to twice the average increase in the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

''(7) SCOPE OF APPLICATION.—The national economic downturn assistance FMAP shall only apply for purposes of payments under section 1903 for a quarter and shall not apply with respect to—

''(A) disproportionate share hospital payments described in section 1923;

''(B) payments under title IV or XXI; or

''(C) any payments under this title that are based on the enhanced FMAP described in section 2105(b).

''(8) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2) that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures required under section 1902(a)(2), the State shall not require that such political subdivisions pay for any fiscal year quarters occurring during a national economic downturn assistance period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under State law in effect on the first day of the fiscal year quarter occurring immediately prior to the trigger quarter for the period.''.

(2) EFFECTIVE DATE; NO RETROACTIVE APPLICATION.—The amendments made by paragraph (1) take effect on January 1, 2012. In no event may a State receive a payment on the basis of the national economic downturn assistance Federal medical assistance percentage determined for the State under section 1905(cc)(3) of the Social Security Act for amounts expended by the State prior to January 1, 2012.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall analyze the previous periods of national economic downturn, including the most recent such period in effect as of the date of enactment of this Act, and the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(2) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to Congress on the results of the analysis conducted under paragraph (1). Such report shall include such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP established under section 1905(cc) of the Social Security Act (as added by subsection (a)) to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that begin and end the application of such percentage;

(B) how the determination of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods, as well as to the effects of any other specific economic indicators that the Comptroller General determines appropriate.

SA 3041. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 397, beginning on line 2, strike ''under'' and all that follows through line 6, and insert ''not pregnant and are''

SA 3042. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 14 and 15, insert the following:

SEC. 2708. EVALUATION OF STATE COMPLIANCE WITH PROVISION OF COMMUNITY-BASED SERVICES TO INDIVIDUALS WITH DISABILITIES.

Not later than December 31, 2010, and annually thereafter, the Inspector General of the Department of Justice shall prepare and submit a report to Congress that evaluates the adequacy of efforts by States to provide appropriate home and community-based services to individuals with disabilities in accordance with the requirements under Olmstead v. L.C., 527 U.S. 581 (1999).

SA 3043. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 397, strike line 15 and all that follows through page 398, line 25.

SA 3044. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. PAYMENT OF MEDICARE LIABILITY TO STATES AS A RESULT OF THE SPECIAL DISABILITY WORKLOAD PROJECT.

(a) IN GENERAL.—The Secretary, in consultation with the Commissioner, shall work with each State to reach an agreement, not later than 6 months after the date of enactment of this Act, on the amount of a payment for the State related to the Medicare program liability as a result of the Special Disability Workload project, subject to the requirements of subsection (c).

(b) PAYMENTS.—

(1) DEADLINE FOR MAKING PAYMENTS.—Not later than 30 days after reaching an agreement with a State under subsection (a), the Secretary shall pay the State, from the amounts appropriated under paragraph (2), the payment agreed to for the State.

(2) APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated $4,000,000,000 for fiscal year 2010 for making payments to States under paragraph (1).

(3) LIMITATIONS.—In no case may the aggregate amount of payments made by the Secretary to States under paragraph (1) exceed $4,000,000,000.

(c) REQUIREMENTS.—The requirements of this subsection are the following:

(1) FEDERAL DATA USED TO DETERMINE AMOUNT OF PAYMENTS.—The amount of the payment under subsection (a) for each State is determined on the basis of the most recent Federal data available, including the use of proxies and reasonable estimates as necessary, for determining expeditiously the amount of the payment that shall be made to each State that enters into an agreement under this section. The payment methodology shall consider the following factors:

(A) The number of SDW cases found to have been eligible for benefits under the Medicare program and the month of the initial Medicare program eligibility for such cases.

(B) The applicable non-Federal share of expenditures made by a State under the Medicaid program during the time period for SDW cases.

(C) Such other factors as the Secretary and the Commissioner, in consultation with the States, determine appropriate.

(2) CONDITIONS FOR PAYMENTS.—A State shall not receive a payment under this section unless the State—

(A) waives the right to file a civil action (or to be a party to any action) in any Federal or State court in which the relief sought includes a payment from the United States to the State related to the Medicare liability under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as a result of the Special Disability Workload project; and

(B) releases the United States from any further claims for reimbursement of State expenditures as a result of the Special Disability Workload project (other than reimbursements being made under agreements in effect on the date of enactment of this Act as a result of such project, including payments made pursuant to agreements entered into under section 1616 of the Social Security Act or section 211(1)(1)(A) of Public Law 93–66).

(3) NO INDIVIDUAL STATE CLAIMS DATA REQUIRED.—No State shall be required to submit individual claims evidencing payment under the Medicaid program as a condition for receiving a payment under this section.

(4) INELIGIBLE STATES.—No State that is a party to a civil action in any Federal or State court in which the relief sought includes a payment from the United States to the State related to the Medicare liability under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as a result of the Special Disability Workload project shall be eligible to receive a payment under this section while such an action is pending or if such an action is resolved in favor of the State.

(d) DEFINITIONS.—In this section:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(2) MEDICAID PROGRAM.—The term ''Medicaid program'' means the program of medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.) and includes medical assistance provided under any waiver of that program approved under section 1115 or 1915 of such Act (42 U.S.C. 1315, 1396n) or otherwise.

(3) MEDICARE PROGRAM.—The term ''Medicare program'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) SDW CASE.—The term ''SDW case'' means a case in the Special Disability Workload project involving an individual determined by the Commissioner to have been eligible for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) for a period during which such benefits were not provided to the individual and who was, during all or part of such period, enrolled in a State Medicaid program.

(6) SPECIAL DISABILITY WORKLOAD PROJECT.—The term ''Special Disability Workload project'' means the project described in the 2008 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, H.R. Doc. No. 110–104, 110th Cong. (2008).

(7) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

SEC. __. REQUIREMENTS FOR MEDICAID PROVIDERS TO ACCEPT IN-NETWORK PAYMENT RATES FOR SERVICES PROVIDED TO MEDICAID MANAGED CARE ENROLLEES.

(a) IN GENERAL.—Section 1932(b) of the Social Security Act (42 U.S.C. 1396u–2(b)) is amended by adding at the end the following

''(9) ASSURING ACCESS TO SERVICES FURNISHED BY NON-CONTRACT PROVIDERS.—Any provider of items or services for which medical assistance is provided under the State plan or under a waiver of the plan that does not have in effect a contract with a Medicaid managed care entity that establishes payment amounts for items or services furnished to a beneficiary enrolled in the entity's Medicaid managed care plan shall accept as payment in full no more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that it could collect if the beneficiary received medical assistance under this title other than through enrollment in such an entity. In a State where rates paid to hospitals under the State plan are negotiated by contract and not publicly released, the payment amount applicable under this subparagraph shall be the average contract rate that would apply under the State plan for general acute care hospitals or the average contract rate that would apply under such plan for tertiary hospitals.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2010.

SA 3045. Mr. KERRY (for himself, Mr. KIRK, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. LEAHY, Mr. SANDERS, Mr. CARPER, and Mr. KAUFMAN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 402, strike line 15 and all that follows through page 403, line 9, and insert the following:

''(A) NEWLY ELIGIBLE.—The term ''newly eligible'' means an individual described in subclause (VIII) of section 1902(a)(10)(A)(i) who, on the date of enactment of the Patient Protection and Affordable Care Act, is not eligible under the State plan for full benefits or for benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), or is eligible but not enrolled (or is on a waiting list) for such benefits or coverage through a waiver under the plan that has a capped or limited enrollment that is full.

SA 3046. Mr. KERRY (for himself, Ms. STABENOW, Ms. COLLINS, Ms. SNOWE, Mr. WYDEN, Mrs. LINCOLN, Mr. JOHNSON, Mr. SPECTER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which

was ordered to lie on the table; as follows:

Beginning on page 983, strike line 11 and all that follows through page 984, line 3, and insert the following:

''(vi) PRODUCTIVITY ADJUSTMENT.—After determining the home health market basket percentage increase under clause (iii), and after application of clause (v), the Secretary shall reduce such percentage, for 2015 and each subsequent year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II). The application of the preceding sentence may result in the home health market basket percentage increase under clause (iii) being less than 0.0 for a year, and may result in payment rates under the system under this subsection for a year being less than such payment rates for the preceding year.''.

SA 3047. Mr. KERRY (for himself, Mr. WYDEN, Mr. WHITEHOUSE, Mr. REED) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a demonstration project under title XVIII of the Social Security Act to evaluate the benefits of providing payment for items and services needed for the administration, within the homes of Medicare beneficiaries, of intravenous immune globin for the treatment of primary immune deficiency diseases.

(b) DURATION AND SCOPE.—

(1) DURATION.—Beginning not later than January 1, 2011, the Secretary shall conduct the demonstration project for a period of 3 years.

(2) SCOPE.—The Secretary shall enroll not greater than 4,000 Medicare beneficiaries who have been diagnosed with primary immunodeficiency disease for participation in the demonstration project. A Medicare beneficiary may participate in the demonstration project on a voluntary basis and may terminate participation at any time.

(c) REIMBURSEMENT.—The Secretary shall establish an hourly rate for payment for items and services needed for the administration of intravenous immune globin based on the low-utilization payment adjustment under the prospective payment system for home health services established under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(d) STUDY AND REPORT TO CONGRESS.—

(1) INTERIM EVALUATION AND REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains the following:

(A) An interim evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the administration of intravenous immune globin within the home.

(B) An analysis of the appropriateness of implementing a new methodology for payment for intravenous immune globulins in all care settings under part B of title XVIII of the Social Security Act (42 U.S.C. 1395k et seq.).

(C) An analysis of the feasability of reducing the lag time with respect to data used to determine the average sales price under section 1847A of the Social Security Act (42 U.S.C. 1395w-3a).

(D) An update to the report entitled ''Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)'', issued in February 2007 by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(2) FINAL EVALUATION AND REPORT.—Not later than July 1, 2014, the Secretary shall submit to Congress a report that contains a final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the administration of intravenous immune globin within the home.

(e) OFFSET.—

(1) IN GENERAL.—Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by adding at the end the following: ''Such term includes disposable drug delivery systems, including elastomeric infusion pumps, for the treatment of colorectal cancer.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items furnished on or after the date of enactment of this Act.

(f) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term ''demonstration project'' means the demonstration project conducted under this section.

(2) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled for benefits under part B of such title.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SA 3048. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 172, between lines 11 and 12, insert the following:

(E) REPAYMENT OF FUNDS.—A person that receives Federal funds under a loan or grant under this section shall be required to reimburse the Federal Government for the full amount received under such loan or grant on terms established by the Secretary, but in no event shall such repayment be made later than 10 years after the date on which such loan or grant was made.

SA 3049. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 436, between lines 14 and 15, insert the following:

SEC. 2008. PROTECTION OF MEDICAID WAIVER AUTHORITY.

No provision of this Act or any amendment made by this Act shall limit or otherwise restrict any authority in effect on the date of enactment of this Act which the Secretary of Health and Human Services may exercise under section 1915 or 1115 of the Social Security Act or otherwise to encourage States to develop innovation programs to provide health insurance to uninsured individuals or to contain health care costs by granting States budget neutral Medicaid waivers Any provision of this Act or an amendment of this Act that is contrary to the preceding sentence is null and void.

SA 3050. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1998, strike lines 13 through 24.

SA 3051. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, insert the following:

SEC. 3115. RURAL HEALTH CLINIC REIMBURSEMENT.

Section 1833(f) of the Social Security Act (42 U.S.C. 13951(f)) is amended—

(1) in paragraph (1), by striking '', and'' at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) by striking ''in a subsequent year'' and inserting ''after 1988 and before 2010''; and

(B) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) in 2010, at $85 per visit; and

''(4) in a subsequent year, at the limit established under this subsection for the previous year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) furnished as of the first day of that year.''.

SA 3052. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1266, between lines 17 and 18, insert the following:

SEC. 4403. RURAL HEALTH CLINIC AND COMMUNITY HEALTH CENTER COLLABORATIVE ACCESS EXPANSION.

Section 330 of the Public Health Service Act (42 U.S.C. 254b), as amended by section 4206, is amended by adding at the end the following:

''(t) RULE OF CONSTRUCTION WITH RESPECT TO RURAL HEALTH CLINICS.—

''(1) IN GENERAL.—Nothing in this section shall be construed to prevent a community health center from contracting with a federally certified rural health clinic (as defined by section 1861(aa)(2) of the Social Security Act) for the delivery of primary health care services that are available at the rural health clinic to individuals who would otherwise be eligible for free or reduced cost care if that individual were able to obtain that care at the community health center. Such services may be limited in scope to those primary health care services available in that rural health clinic.

''(2) ASSURANCES.—In order for a rural health clinic to receive funds under this section through a contract with a community health center under paragraph (1), such rural health clinic shall establish policies to ensure—

''(A) nondiscrimination based upon the ability of a patient to pay; and

''(B) the establishment of a sliding fee scale for low-income patients.''.

SA 3053. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2026, strike line 3 and insert the following:

(i) EXCLUSION OF ASSISTIVE DEVICES FOR PEOPLE WITH DISABILITIES.—

(1) IN GENERAL.—The term ''medical device sales'' shall not include sales of any assistive device for people with disabilities.

(2) REDUCTION OF AGGREGATE FEE AMOUNT.—The $2,000,000,000 amount in subsection (b)(1) shall be reduced in each calendar year by the amount which bears the same ratio to such $2,000,000,000 amount as the amount of the sales of devices described in paragraph (1) for such calendar year bears to the amount of total medical device sales (without regard to this subsection) for such calendar year, as determined by the Secretary.

(j) APPLICATION OF SECTION.—This section shall

SA 3054. Mr. ROBERTS (for himself and Mr. KYL) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1703, between lines 4 and 5, insert the following:

SEC. 6303. PROHIBITION ON THE USE OF COST IN COMPARATIVE EFFECTIVENESS RESEARCH.

(a) IN GENERAL.—Notwithstanding any other provision of law, in no case may the cost of any medical treatment, item, or service described in subsection (b) be considered a factor in any comparative effectiveness research conducted—

(1) by the Federal Government; or

(2) by any other entity using funding provided by the Federal Government.

(b) MEDICAL TREATMENT, ITEM, OR SERVICE.—The medical treatments, services, and items described in this subsection are health care interventions, protocols for treatment, care management, and delivery, procedures, medical devices, diagnostic tools, pharmaceuticals (including drugs and biologicals), integrative health practices, and any other strategies or items being used in the treatment, management, and diagnosis of, or prevention of illness or injury in, individuals.

(c) INCLUSION.—The comparative effectiveness research described under subsection (a) includes any such research conducted or funded by—

(1) the Patient-Centered Outcomes Research Institute under section 1181 of the Social Security Act (as added by section 6301);

(2) the Department of Health and Human Services, including the Agency for Healthcare Research and Quality and the National Institutes of Health; and

(3) the Federal Coordinating Council for Comparative Effectiveness Research established under section 804 of Division A of the American Recovery and Reinvestment Act of 2009 (42 U.S.C. 299b–8).

(d) APPLICATION.—This section shall apply to any comparative effectiveness research—

(1) that is ongoing as of the date of enactment of this Act; or

(2) that is conducted after the date of enactment of this Act.

SA 3055. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1983, strike lines 1–11 and insert the following:

''(II) the 3-year average FEHB program premium increase for such year.

If any amount determined under this clause is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

(iv) 3-YEAR AVERAGE FEHB PROGRAM PREMIUM INCREASE.—For purposes of clause (iii)—

(I) IN GENERAL.—The term ''3-year average FEHB program premium increase'' means, with respect to any calendar year, the average of the FEHB program premium increases for the preceding 3 calendar years.

(II) FEHB PREMIUM INCREASE.—The term ''FEHB program premium increase'' means, with respect to any calendar year, the average amount of the increases in premiums (if any) for all plans offered under the Federal Employee Health Benefits Program under chapter 89 of title 5, United States Code, which were offered under such program for the preceding calendar year.

SA 3056. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 340, strike lines 1 through 14 and insert the following:

''(A) WAIVER OF CRIMINAL AND CIVIL PENALTIES AND INTEREST.—In the case of any failure by a taxpayer to timely pay any penalty imposed by this section—

''(i) such taxpayer shall not be subject to any criminal prosecution or penalty with respect to such failure, and

''(ii) no penalty, addition to tax, or interest shall be imposed with respect to such failure or such penalty.

''(B) LIMITED COLLECTION ACTIONS PERMITTED.—In the case of the assessment of any penalty imposed by this section, the Secretary shall not take any action with respect to the collection of such penalty other than—

''(i) giving notice and demand for such penalty under section 6303,

''(ii) crediting under section 6402(a) the amount of any overpayment of the taxpayer against such penalty, and

''(iii) offsetting any payment owed by any Federal agency to the taxpayer against such penalty under the Treasury offset program.''.

SA 3057. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 334, line 19, strike all through page 335, line 2, and insert the following:

''(2) MIDDLE INCOME INDIVIDUALS AND FAMILIES.—Any applicable individual for any month during a calendar year if the individual's household income for the taxable year described in section 1412(b)(1)(B) of the Patient Protection and Affordable Care Act is less than $200,000 ($250,000 in the case of a joint return), determined in the same manner as under subsection (c)(4).

SA 3058. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. _____. NO FEDERAL TAX INCREASE IMPOSED ON MIDDLE INCOME INDIVIDUALS AND FAMILIES.

(a) IN GENERAL.—Notwithstanding any provision of, or amendment made by this Act, no such provision or amendment which, directly or indirectly, results in a Federal tax increase shall be administered in such manner as to impose such an increase on any middle income taxpayer.

(b) MIDDLE INCOME TAXPAYER.—For purposes of this section, the term ''middle income taxpayer'' means, for any taxable year,

any taxpayer with adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of less than $200,000 ($250,000 in the case of a joint return of tax).

SA 3059. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1999, strike lines 1 through 20.

SA 3060. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 9004.

SA 3061. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 2074, after line 25, add the following:

SEC. 9024. TAXES NOT FEES, PENALTIES, OR ASSESSABLE PAYMENTS.

(a) TAXES NOT FEES.—Sections 4375, 4376, 4377, and 9511 of the Internal Revenue Code of 1986 (as added by section 6301(e)) and sections 9008, 9009, and 9010 are each amended by striking ''fee'' or ''fees'' each place they appear and inserting ''tax'' or ''taxes'', respectively.

(b) TAXES NOT PENALTIES.—Section 5000A of the Internal Revenue Code of 1986 (as added by section 1501(b)) is amended by striking ''penalty'' each place it appears (other than the second place in paragraphs (1) and (2)(A) of subsection (g) thereof) and inserting ''tax''.

(c) TAXES NOT ASSESSABLE PAYMENTS.—Section 4980H of the Internal Revenue Code of 1986 (as added by section 1513(a)) and section 1513(c)(1) are each amended by striking ''assessable payment'' or ''assessable payments''each place they appear and inserting ''tax'' or ''taxes'', respectively.

SA 3062. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 357, strike line 15 and insert the following:

(d) REPORT ON IMPACT OF PENALTIES.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the assessable payments imposed under section 4980H of the Internal Revenue Code of 1986 (as added by the amendments made by this section). The report submitted under this subsection shall include a detailed analysis of the impact of such assessable penalty on—

(1) employer profits,

(2) Federal revenues, including any decrease in tax revenues due to any decrease in employer profits as a result of such assessable penalties,

(3) the level of wages and benefits of employees,

(4) the hours worked by employees, including whether employees are classified as part-time or full-time employees, and

(5) the termination of employees.

(e) EFFECTIVE DATE.—The amendments made by

SA 3063. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 515 of the amendment, between lines 11 and 12, insert the following:

SEC. 2552. ESTABLISHMENT OF PERMANENT MEDICAID DSH ALLOTMENT FOR HAWAII.

(a) IN GENERAL.—Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) by striking the paragraph heading and inserting the following: ''ALLOTMENT ADJUSTMENTS FOR TENNESSEE AND HAWAII''; and

(2) in subparagraph (B), by adding at the end the following:

''(iii) ALLOTMENT FOR 2D, 3RD, AND 4TH QUARTER OF FISCAL YEAR 2012, FISCAL YEAR 2013, AND SUCCEEDING FISCAL YEARS.—Notwithstanding the table set forth in paragraph (2) or paragraph (7):

''(I) 2D, 3RD, AND 4TH QUARTER OF FISCAL YEAR 2012.—The DSH allotment for Hawaii for the 2d, 3rd, and 4th quarters of fiscal year 2012 shall be $7,500,000.

''(II) TREATMENT AS A LOW-DSH STATE FOR FISCAL YEAR 2013 AND SUCCEEDING FISCAL YEARS.—With respect to fiscal year 2013, and each fiscal year thereafter, the DSH allotment for Hawaii shall be increased in the same manner as allotments for low DSH States are increased for such fiscal year under clauses (ii) and (iii) of paragraph (5)(B).

''(III) CERTAIN HOSPITAL PAYMENTS.—The Secretary may not impose a limitation on the total amount of payments made to hospitals under the QUEST section 1115 Demonstration Project except to the extent that such limitation is necessary to ensure that a hospital does not receive payments in excess of the amounts described in subsection (g), or as necessary to ensure that such payments under the waiver and such payments pursuant to the allotment provided in this clause do not, in the aggregate in any year, exceed the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for such year that is reflected in the budget neutrality provision of the QUEST Demonstration Project.''.

(b) CONFORMING AMENDMENT.—Effective October 1, 2011, paragraph (7) of section 1923(f) of such Act (42 U.S.C. 1396r–4(f)), as added by section 2551, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (E)'' and inserting ''subparagraphs (E) and (G)''; and

(2) by adding at the end the following:

''(G) NONAPPLICATION.—The preceding provisions of this paragraph shall not apply to the DSH allotment determined for the State of Hawaii for a fiscal year under paragraph (6).''.

SA 3064. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, between lines 16 and 17, insert the following:

(4) NONDISCRIMINATION ON ABORTION AND RESPECT FOR RIGHTS OF CONSCIENCE.—

(A) NONDISCRIMINATION.—A Federal agency or program, and any State or local government that receives Federal financial assistance under this Act (or an amendment made by this Act), may not—

(i) subject any individual or institutional health care entity to discrimination; or

(ii) require any health plan created or regulated under this Act (or an amendment made by this Act) to subject any individual or institutional health care entity to discrimination,

on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(B) DEFINITION.——In this section, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

(C) ADMINISTRATION.—The Office for Civil Rights of the Department of Health and Human Services is designated to receive complaints of discrimination based on this section, and coordinate the investigation of such complaints.

SA 3065. Mr. CARDIN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 396, between lines 8 and 9, insert the following:

Subtitle H—Patient Protections

PART I—IMPROVING MANAGED CARE

Subpart A—Utilization Review; Claims

SEC. 1601. UTILIZATION REVIEW ACTIVITIES.

(a) COMPLIANCE WITH REQUIREMENTS.—

(1) IN GENERAL.—A group health plan, and a health insurance issuer that provides health insurance coverage, shall conduct utilization review activities in connection with the provision of benefits under such plan or coverage only in accordance with a utilization review program that meets the requirements of this section and section 1602.

(2) USE OF OUTSIDE AGENTS.—Nothing in this section shall be construed as preventing a group health plan or health insurance issuer from arranging through a contract or otherwise for persons or entities to conduct utilization review activities on behalf of the plan or issuer, so long as such activities are conducted in accordance with a utilization review program that meets the requirements of this section.

(3) UTILIZATION REVIEW DEFINED.—For purposes of this section, the terms ''utilization review'' and ''utilization review activities'' mean procedures used to monitor or evaluate the use or coverage, clinical necessity, appropriateness, efficacy, or efficiency of health care services, procedures or settings, and includes prospective review, concurrent review, second opinions, case management, discharge planning, or retrospective review.

(b) WRITTEN POLICIES AND CRITERIA.—

(1) WRITTEN POLICIES.—A utilization review program shall be conducted consistent with written policies and procedures that govern all aspects of the program.

(2) USE OF WRITTEN CRITERIA.—

(A) IN GENERAL.—Such a program shall utilize written clinical review criteria developed with input from a range of appropriate actively practicing health care professionals, as determined by the plan, pursuant to the program. Such criteria shall include written clinical review criteria that are based on valid clinical evidence where available and that are directed specifically at meeting the needs of at-risk populations and covered individuals with chronic conditions or severe illnesses, including gender-specific criteria and pediatric-specific criteria where available and appropriate.

(B) CONTINUING USE OF STANDARDS IN RETROSPECTIVE REVIEW.—If a health care service has been specifically pre-authorized or approved for a participant, beneficiary, or enrollee under such a program, the program shall not, pursuant to retrospective review, revise or modify the specific standards, criteria, or procedures used for the utilization review for procedures, treatment, and services delivered to the enrollee during the same course of treatment.

(C) REVIEW OF SAMPLE OF CLAIMS DENIALS.—Such a program shall provide for a periodic evaluation of the clinical appropriateness of at least a sample of denials of claims for benefits.

(c) CONDUCT OF PROGRAM ACTIVITIES.—

(1) ADMINISTRATION BY HEALTH CARE PROFESSIONALS.—A utilization review program shall be administered by qualified health care professionals who shall oversee review decisions.

(2) USE OF QUALIFIED, INDEPENDENT PERSONNEL.—

(A) IN GENERAL.—A utilization review program shall provide for the conduct of utilization review activities only through personnel who are qualified and have received appropriate training in the conduct of such activities under the program.

(B) PROHIBITION OF CONTINGENT COMPENSATION ARRANGEMENTS.—Such a program shall not, with respect to utilization review activities, permit or provide compensation or anything of value to its employees, agents, or contractors in a manner that encourages denials of claims for benefits.

(C) PROHIBITION OF CONFLICTS.—Such a program shall not permit a health care professional who is providing health care services to an individual to perform utilization review activities in connection with the health care services being provided to the individual.

(3) ACCESSIBILITY OF REVIEW.—Such a program shall provide that appropriate personnel performing utilization review activities under the program, including the utilization review administrator, are reasonably accessible by toll-free telephone during normal business hours to discuss patient care and allow response to telephone requests, and that appropriate provision is made to receive and respond promptly to calls received during other hours.

(4) LIMITS ON FREQUENCY.—Such a program shall not provide for the performance of utilization review activities with respect to a class of services furnished to an individual more frequently than is reasonably required to assess whether the services under review are medically necessary and appropriate.

SEC. 1602. PROCEDURES FOR INITIAL CLAIMS FOR BENEFITS AND PRIOR AUTHORIZATION DETERMINATIONS.

(a) PROCEDURES OF INITIAL CLAIMS FOR BENEFITS.—

(1) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage, shall—

(A) make a determination on an initial claim for benefits by a participant, beneficiary, or enrollee (or authorized representative) regarding payment or coverage for items or services under the terms and conditions of the plan or coverage involved, including any cost-sharing amount that the participant, beneficiary, or enrollee is required to pay with respect to such claim for benefits; and

(B) notify a participant, beneficiary, or enrollee (or authorized representative) and the treating health care professional involved regarding a determination on an initial claim for benefits made under the terms and conditions of the plan or coverage, including any cost-sharing amounts that the participant, beneficiary, or enrollee may be required to make with respect to such claim for benefits.

(2) ACCESS TO INFORMATION.—

(A) TIMELY PROVISION OF NECESSARY INFORMATION.—With respect to an initial claim for benefits, the participant, beneficiary, or enrollee (or authorized representative) and the treating health care professional (if any) shall provide the plan or issuer with access to information requested by the plan or issuer that is necessary to make a determination relating to the claim. Such access shall be provided not later than 5 days after the date on which the request for information is received, or, in a case described in subparagraph (B) or (C) of subsection (b)(1), by such earlier time as may be necessary to comply with the applicable timeline under such subparagraph.

(B) LIMITED EFFECT OF FAILURE ON PLAN OR ISSUER'S OBLIGATIONS.—Failure of the participant, beneficiary, or enrollee to comply with the requirements of subparagraph (A) shall not remove the obligation of the plan or issuer to make a decision in accordance with the medical exigencies of the case and as soon as possible, based on the available information, and failure to comply with the time limit established by this paragraph shall not remove the obligation of the plan or issuer to comply with the requirements of this section.

(3) ORAL REQUESTS.—In the case of a claim for benefits involving an expedited or concurrent determination, a participant, beneficiary, or enrollee (or authorized representative) may make an initial claim for benefits orally, but a group health plan, or health insurance issuer offering health insurance coverage, may require that the participant, beneficiary, or enrollee (or authorized representative) provide written confirmation of such request in a timely manner on a form provided by the plan or issuer. In the case of such an oral request for benefits, the making of the request (and the timing of such request) shall be treated as the making at that time of a claims for such benefits without regard to whether and when a written confirmation of such request is made.

(b) TIMELINE FOR MAKING DETERMINATIONS.—

(1) PRIOR AUTHORIZATION DETERMINATION.—

(A) IN GENERAL.—A group health plan, or health insurance issuer offering health insurance coverage, shall make a prior authorization determination on a claim for benefits (whether oral or written) in accordance with the medical exigencies of the case and as soon as possible, but in no case later than 14 days from the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the request for prior authorization and in no case later than 28 days after the date of the claim for benefits is received.

(B) EXPEDITED DETERMINATION.—Notwithstanding subparagraph (A), a group health plan, or health insurance issuer offering health insurance coverage, shall expedite a prior authorization determination on a claim for benefits described in such subparagraph when a request for such an expedited determination is made by a participant, beneficiary, or enrollee (or authorized representative) at any time during the process for making a determination and a health care professional certifies, with the request, that a determination under the procedures described in subparagraph (A) would seriously jeopardize the life or health of the participant, beneficiary, or enrollee or the ability of the participant, beneficiary, or enrollee to maintain or regain maximum function. Such determination shall be made in accordance with the medical exigencies of the case and as soon as possible, but in no case later than 72 hours after the time the request is received by the plan or issuer under this subparagraph.

(C) ONGOING CARE.—

(i) CONCURRENT REVIEW.—

(I) IN GENERAL.—Subject to clause (ii), in the case of a concurrent review of ongoing care (including hospitalization), which results in a termination or reduction of such care, the plan or issuer must provide by telephone and in printed form notice of the concurrent review determination to the individual or the individual's designee and the individual's health care provider in accordance with the medical exigencies of the case and as soon as possible.

(II) CONTENTS OF NOTICE.—Such notice shall include, with respect to ongoing health care items and services, the number of ongoing services approved, the new total of approved services, the date of onset of services, and the next review date, if any, as well as a statement of the individual's rights to further appeal.

(ii) RULE OF CONSTRUCTION.—Clause (i) shall not be construed as requiring plans or issuers to provide coverage of care that would exceed the coverage limitations for such care.

(2) RETROSPECTIVE DETERMINATION.—A group health plan, or health insurance issuer offering health insurance coverage, shall make a retrospective determination on a claim for benefits in accordance with the medical exigencies of the case and as soon as

possible, but not later than 30 days after the date on which the plan or issuer receives information that is reasonably necessary to enable the plan or issuer to make a determination on the claim, or, if earlier, 60 days after the date of receipt of the claim for benefits.

(c) NOTICE OF A DENIAL OF A CLAIM FOR BENEFITS.—Written notice of a denial made under an initial claim for benefits shall be issued to the participant, beneficiary, or enrollee (or authorized representative) and the treating health care professional in accordance with the medical exigencies of the case and as soon as possible, but in no case later than 2 days after the date of the determination (or, in the case described in subparagraph (B) or (C) of subsection (b)(1), within the 72-hour or applicable period referred to in such subparagraph).

(d) REQUIREMENTS OF NOTICE OF DETERMINATIONS.—The written notice of a denial of a claim for benefits determination under subsection (c) shall be provided in printed form and written in a manner calculated to be understood by the participant, beneficiary, or enrollee and shall include—

(1) the specific reasons for the determination (including a summary of the clinical or scientific evidence used in making the determination); and

(2) the procedures for obtaining additional information concerning the determination.

(e) DEFINITIONS.—For purposes of this part:

(1) AUTHORIZED REPRESENTATIVE.—The term ''authorized representative'' means, with respect to an individual who is a participant, beneficiary, or enrollee, any health care professional or other person acting on behalf of the individual with the individual's consent or without such consent if the individual is medically unable to provide such consent.

(2) CLAIM FOR BENEFITS.—The term ''claim for benefits'' means any request for coverage (including authorization of coverage), for eligibility, or for payment in whole or in part, for an item or service under a group health plan or health insurance coverage.

(3) DENIAL OF CLAIM FOR BENEFITS.—The term ''denial'' means, with respect to a claim for benefits, a denial (in whole or in part) of, or a failure to act on a timely basis upon, the claim for benefits and includes a failure to provide benefits (including items and services) required to be provided under this part.

(4) TREATING HEALTH CARE PROFESSIONAL.—The term ''treating health care professional'' means, with respect to services to be provided to a participant, beneficiary, or enrollee, a health care professional who is primarily responsible for delivering those services to the participant, beneficiary, or enrollee.

Subpart B—Access to Care

SEC. 1611. CHOICE OF HEALTH CARE PROFESSIONAL.

(a) PRIMARY CARE.—If a group health plan, or a health insurance issuer that offers health insurance coverage, requires or provides for designation by a participant, beneficiary, or enrollee of a participating primary care provider, then the plan or issuer shall permit each participant, beneficiary, and enrollee to designate any participating primary care provider who is available to accept such individual.

(b) SPECIALISTS.—

(1) IN GENERAL.—Subject to paragraph (2), a group health plan and a health insurance issuer that offers health insurance coverage shall permit each participant, beneficiary, or enrollee to receive medically necessary and appropriate specialty care, pursuant to appropriate referral procedures, from any qualified participating health care professional who is available to accept such individual for such care.

(2) LIMITATION.—Paragraph (1) shall not apply to specialty care if the plan or issuer clearly informs participants, beneficiaries, and enrollees of the limitations on choice of participating health care professionals with respect to such care.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the application of section 114 (relating to access to specialty care).

SEC. 1612. ACCESS TO EMERGENCY CARE.

(a) COVERAGE OF EMERGENCY SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage offered by a health insurance issuer, provides or covers any benefits with respect to services in an emergency department of a hospital, the plan or issuer shall cover emergency services (as defined in paragraph (2)(B))—

(A) without the need for any prior authorization determination;

(B) whether the health care provider furnishing such services is a participating provider with respect to such services;

(C) in a manner so that, if such services are provided to a participant, beneficiary, or enrollee—

(i) by a nonparticipating health care provider with or without prior authorization, or

(ii) by a participating health care provider without prior authorization, the participant, beneficiary, or enrollee is not liable for amounts that exceed the amounts of liability that would be incurred if the services were provided by a participating health care provider with prior authorization; and

(D) without regard to any other term or condition of such coverage (other than exclusion or coordination of benefits, or an affiliation or waiting period, permitted under section 2701 of the Public Health Service Act, section 701 of the Employee Retirement Income Security Act of 1974, or section 9801 of the Internal Revenue Code of 1986, and other than applicable cost-sharing).

(2) DEFINITIONS.—In this section:

(A) EMERGENCY MEDICAL CONDITION.—The term ''emergency medical condition'' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in a condition described in clause (i), (ii), or (iii) of section 1867(e)(1)(A) of the Social Security Act.

(B) EMERGENCY SERVICES.—The term ''emergency services'' means, with respect to an emergency medical condition—

(i) a medical screening examination (as required under section 1867 of the Social Security Act) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition, and

(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 of such Act to stabilize the patient.

(C) STABILIZE.—The term ''to stabilize'', with respect to an emergency medical condition (as defined in subparagraph (A)), has the meaning give in section 1867(e)(3) of the Social Security Act (42 U.S.C. 1395dd(e)(3)).

(b) REIMBURSEMENT FOR MAINTENANCE CARE AND POST-STABILIZATION CARE.—A group health plan, and health insurance coverage offered by a health insurance issuer, must provide reimbursement for maintenance care and post-stabilization care in accordance with the requirements of section 1852(d)(2) of the Social Security Act (42 U.S.C. 1395w–22(d)(2)). Such reimbursement shall be provided in a manner consistent with subsection (a)(1)(C).

(c) COVERAGE OF EMERGENCY AMBULANCE SERVICES.—

(1) IN GENERAL.—If a group health plan, or health insurance coverage provided by a health insurance issuer, provides any benefits with respect to ambulance services and emergency services, the plan or issuer shall cover emergency ambulance services (as defined in paragraph (2)) furnished under the plan or coverage under the same terms and conditions under subparagraphs (A) through (D) of subsection (a)(1) under which coverage is provided for emergency services.

(2) EMERGENCY AMBULANCE SERVICES.—For purposes of this subsection, the term ''emergency ambulance services'' means ambulance services (as defined for purposes of section 1861(s)(7) of the Social Security Act) furnished to transport an individual who has an emergency medical condition (as defined in subsection (a)(2)(A)) to a hospital for the receipt of emergency services (as defined in subsection (a)(2)(B)) in a case in which the emergency services are covered under the plan or coverage pursuant to subsection (a)(1) and a prudent layperson, with an average knowledge of health and medicine, could reasonably expect that the absence of such transport would result in placing the health of the individual in serious jeopardy, serious impairment of bodily function, or serious dysfunction of any bodily organ or part.

SEC. 1613. TIMELY ACCESS TO SPECIALISTS.

(a) TIMELY ACCESS.—

(1) IN GENERAL.—A group health plan or health insurance issuer offering health insurance coverage shall ensure that participants, beneficiaries, and enrollees receive timely access to specialists who are appropriate to the condition of, and accessible to, the participant, beneficiary, or enrollee, when such specialty care is a covered benefit under the plan or coverage.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed—

(A) to require the coverage under a group health plan or health insurance coverage of benefits or services;

(B) to prohibit a plan or issuer from including providers in the network only to the extent necessary to meet the needs of the plan's or issuer's participants, beneficiaries, or enrollees; or

(C) to override any State licensure or scope-of-practice law.

(3) ACCESS TO CERTAIN PROVIDERS.—

(A) IN GENERAL.—With respect to specialty care under this section, if a participating specialist is not available and qualified to provide such care to the participant, beneficiary, or enrollee, the plan or issuer shall provide for coverage of such care by a nonparticipating specialist.

(B) TREATMENT OF NONPARTICIPATING PROVIDERS.—If a participant, beneficiary, or enrollee receives care from a nonparticipating specialist pursuant to subparagraph (A), such specialty care shall be provided at no additional cost to the participant, beneficiary, or enrollee beyond what the participant, beneficiary, or enrollee would otherwise pay for such specialty care if provided by a participating specialist.

(b) REFERRALS.—

(1) AUTHORIZATION.—Subject to subsection (a)(1), a group health plan or health insurance issuer may require an authorization in order to obtain coverage for specialty services under this section. Any such authorization—

(A) shall be for an appropriate duration of time or number of referrals, including an authorization for a standing referral where appropriate; and

(B) may not be refused solely because the authorization involves services of a non-participating specialist (described in subsection (a)(3)).

(2) REFERRALS FOR ONGOING SPECIAL CONDITIONS.—

(A) IN GENERAL.—Subject to subsection (a)(1), a group health plan or health insurance issuer shall permit a participant, beneficiary, or enrollee who has an ongoing special condition (as defined in subparagraph (B)) to receive a referral to a specialist for the treatment of such condition and such specialist may authorize such referrals, procedures, tests, and other medical services with respect to such condition, or coordinate the care for such condition, subject to the terms of a treatment plan (if any) referred to in subsection (c) with respect to the condition.

(B) ONGOING SPECIAL CONDITION DEFINED.—In this subsection, the term ''ongoing special condition'' means a condition or disease that—

(i) is life-threatening, degenerative, potentially disabling, or congenital; and

(ii) requires specialized medical care over a prolonged period of time.

(c) TREATMENT PLANS.—

(1) IN GENERAL.—A group health plan or health insurance issuer may require that the specialty care be provided—

(A) pursuant to a treatment plan, but only if the treatment plan—

(i) is developed by the specialist, in consultation with the case manager or primary care provider, and the participant, beneficiary, or enrollee, and

(ii) is approved by the plan or issuer in a timely manner, if the plan or issuer requires such approval; and

(B) in accordance with applicable quality assurance and utilization review standards of the plan or issuer.

(2) NOTIFICATION.—Nothing in paragraph (1) shall be construed as prohibiting a plan or issuer from requiring the specialist to provide the plan or issuer with regular updates on the specialty care provided, as well as all other reasonably necessary medical information.

(d) SPECIALIST DEFINED.—For purposes of this section, the term ''specialist'' means, with respect to the condition of the participant, beneficiary, or enrollee, a health care professional, facility, or center that has adequate expertise through appropriate training and experience (including, in the case of a child, appropriate pediatric expertise) to provide high quality care in treating the condition.

SEC. 1614. ACCESS TO PEDIATRIC CARE.

(a) PEDIATRIC CARE.—In the case of a person who has a child who is a participant, beneficiary, or enrollee under a group health plan, or health insurance coverage offered by a health insurance issuer, if the plan or issuer requires or provides for the designation of a participating primary care provider for the child, the plan or issuer shall permit such person to designate a physician (allopathic or osteopathic) who specializes in pediatrics as the child's primary care provider if such provider participates in the network of the plan or issuer.

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed to waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of pediatric care.

SEC. 1615. PATIENT ACCESS TO OBSTETRICAL AND GYNECOLOGICAL CARE.

(a) GENERAL RIGHTS.—

(1) DIRECT ACCESS.—A group health plan, or health insurance issuer offering health insurance coverage, described in subsection (b) may not require authorization or referral by the plan, issuer, or any person (including a primary care provider described in subsection (b)(2)) in the case of a female participant, beneficiary, or enrollee who seeks coverage for obstetrical or gynecological care provided by a participating health care professional who specializes in obstetrics or gynecology.

(2) OBSTETRICAL AND GYNECOLOGICAL CARE.—A group health plan or health insurance issuer described in subsection (b) shall treat the provision of obstetrical and gynecological care, and the ordering of related obstetrical and gynecological items and services, pursuant to the direct access described under paragraph (1), by a participating health care professional who specializes in obstetrics or gynecology as the authorization of the primary care provider.

(b) APPLICATION OF SECTION.—A group health plan, or health insurance issuer offering health insurance coverage, described in this subsection is a group health plan or coverage that—

(1) provides coverage for obstetric or gynecologic care; and

(2) requires the designation by a participant, beneficiary, or enrollee of a participating primary care provider.

(c) CONSTRUCTION.—Nothing in subsection (a) shall be construed to—

(1) waive any exclusions of coverage under the terms and conditions of the plan or health insurance coverage with respect to coverage of obstetrical or gynecological care; or

(2) preclude the group health plan or health insurance issuer involved from requiring that the obstetrical or gynecological provider notify the primary care health care professional or the plan or issuer of treatment decisions.

SEC. 1616. CONTINUITY OF CARE.

(a) TERMINATION OF PROVIDER.—

(1) IN GENERAL.—If—

(A) a contract between a group health plan, or a health insurance issuer offering health insurance coverage, and a treating health care provider is terminated (as defined in subsection (e)(4)), or

(B) benefits or coverage provided by a health care provider are terminated because of a change in the terms of provider participation in such plan or coverage,

the plan or issuer shall meet the requirements of paragraph (3) with respect to each continuing care patient.

(2) TREATMENT OF TERMINATION OF CONTRACT WITH HEALTH INSURANCE ISSUER.—If a contract for the provision of health insurance coverage between a group health plan and a health insurance issuer is terminated and, as a result of such termination, coverage of services of a health care provider is terminated with respect to an individual, the provisions of paragraph (1) (and the succeeding provisions of this section) shall apply under the plan in the same manner as if there had been a contract between the plan and the provider that had been terminated, but only with respect to benefits that are covered under the plan after the contract termination.

(3) REQUIREMENTS.—The requirements of this paragraph are that the plan or issuer—

(A) notify the continuing care patient involved, or arrange to have the patient notified pursuant to subsection (d)(2), on a timely basis of the termination described in paragraph (1) (or paragraph (2), if applicable) and the right to elect continued transitional care from the provider under this section;

(B) provide the patient with an opportunity to notify the plan or issuer of the patient's need for transitional care; and

(C) subject to subsection (c), permit the patient to elect to continue to be covered with respect to the course of treatment by such provider with the provider's consent during a transitional period (as provided for under subsection (b)).

(4) CONTINUING CARE PATIENT.—For purposes of this section, the term ''continuing care patient'' means a participant, beneficiary, or enrollee who—

(A) is undergoing a course of treatment for a serious and complex condition from the provider at the time the plan or issuer receives or provides notice of provider, benefit, or coverage termination described in paragraph (1) (or paragraph (2), if applicable);

(B) is undergoing a course of institutional or inpatient care from the provider at the time of such notice;

(C) is scheduled to undergo non-elective surgery from the provider at the time of such notice;

(D) is pregnant and undergoing a course of treatment for the pregnancy from the provider at the time of such notice; or

(E) is or was determined to be terminally ill (as determined under section 1861(dd)(3)(A) of the Social Security Act) at the time of such notice, but only with respect to a provider that was treating the terminal illness before the date of such notice.

(b) TRANSITIONAL PERIODS.—

(1) SERIOUS AND COMPLEX CONDITIONS.—The transitional period under this subsection with respect to a continuing care patient described in subsection (a)(4)(A) shall extend for up to 90 days (as determined by the treating health care professional) from the date of the notice described in subsection (a)(3)(A).

(2) INSTITUTIONAL OR INPATIENT CARE.—The transitional period under this subsection for a continuing care patient described in subsection (a)(4)(B) shall extend until the earlier of—

(A) the expiration of the 90-day period beginning on the date on which the notice under subsection (a)(3)(A) is provided; or

(B) the date of discharge of the patient from such care or the termination of the period of institutionalization, or, if later, the date of completion of reasonable follow-up care.

(3) SCHEDULED NON-ELECTIVE SURGERY.—The transitional period under this subsection for a continuing care patient described in subsection (a)(4)(C) shall extend until the completion of the surgery involved and post-surgical follow-up care relating to the surgery and occurring within 90 days after the date of the surgery.

(4) PREGNANCY.—The transitional period under this subsection for a continuing care patient described in subsection (a)(4)(D) shall extend through the provision of post-partum care directly related to the delivery.

(5) TERMINAL ILLNESS.—The transitional period under this subsection for a continuing care patient described in subsection (a)(4)(E) shall extend for the remainder of the patient's life for care that is directly related to the treatment of the terminal illness or its medical manifestations.

(c) PERMISSIBLE TERMS AND CONDITIONS.—A group health plan or health insurance issuer may condition coverage of continued treatment by a provider under this section upon the provider agreeing to the following terms and conditions:

(1) The treating health care provider agrees to accept reimbursement from the plan or issuer and continuing care patient involved (with respect to cost-sharing) at the rates applicable prior to the start of the transitional period as payment in full (or, in the case described in subsection (a)(2), at the rates applicable under the replacement plan or coverage after the date of the termination of the contract with the group health plan or health insurance issuer) and not to impose cost-sharing with respect to the patient in

an amount that would exceed the cost-sharing that could have been imposed if the contract referred to in subsection (a)(1) had not been terminated.

(2) The treating health care provider agrees to adhere to the quality assurance standards of the plan or issuer responsible for payment under paragraph (1) and to provide to such plan or issuer necessary medical information related to the care provided.

(3) The treating health care provider agrees otherwise to adhere to such plan's or issuer's policies and procedures, including procedures regarding referrals and obtaining prior authorization and providing services pursuant to a treatment plan (if any) approved by the plan or issuer.

(d) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to require the coverage of benefits which would not have been covered if the provider involved remained a participating provider; or

(2) with respect to the termination of a contract under subsection (a) to prevent a group health plan or health insurance issuer from requiring that the health care provider—

(A) notify participants, beneficiaries, or enrollees of their rights under this section; or

(B) provide the plan or issuer with the name of each participant, beneficiary, or enrollee who the provider believes is a continuing care patient.

(e) DEFINITIONS.—In this section:

(1) CONTRACT.—The term ''contract'' includes, with respect to a plan or issuer and a treating health care provider, a contract between such plan or issuer and an organized network of providers that includes the treating health care provider, and (in the case of such a contract) the contract between the treating health care provider and the organized network.

(2) HEALTH CARE PROVIDER.—The term ''health care provider'' or ''provider'' means—

(A) any individual who is engaged in the delivery of health care services in a State and who is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State; and

(B) any entity that is engaged in the delivery of health care services in a State and that, if it is required by State law or regulation to be licensed or certified by the State to engage in the delivery of such services in the State, is so licensed.

(3) SERIOUS AND COMPLEX CONDITION.—The term ''serious and complex condition'' means, with respect to a participant, beneficiary, or enrollee under the plan or coverage—

(A) in the case of an acute illness, a condition that is serious enough to require specialized medical treatment to avoid the reasonable possibility of death or permanent harm; or

(B) in the case of a chronic illness or condition, is an ongoing special condition (as defined in section (b)(2)(B)).

(4) TERMINATED.—The term ''terminated'' includes, with respect to a contract, the expiration or nonrenewal of the contract, but does not include a termination of the contract for failure to meet applicable quality standards or for fraud.

Subpart C—Protecting the Doctor-Patient Relationship

SEC. 1621. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

(a) GENERAL RULE.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a group health plan or health insurance issuer in relation to health insurance coverage (including any partnership, association, or other organization that enters into or administers such a contract or agreement) and a health care provider (or group of health care providers) shall not prohibit or otherwise restrict a health care professional from advising such a participant, beneficiary, or enrollee who is a patient of the professional about the health status of the individual or medical care or treatment for the individual's condition or disease, regardless of whether benefits for such care or treatment are provided under the plan or coverage, if the professional is acting within the lawful scope of practice.

(b) NULLIFICATION.—Any contract provision or agreement that restricts or prohibits medical communications in violation of subsection (a) shall be null and void.

Subpart D—Definitions

SEC. 1631. DEFINITIONS.

(a) INCORPORATION OF GENERAL DEFINITIONS.—Except as otherwise provided, the provisions of section 2791 of the Public Health Service Act shall apply for purposes of this part in the same manner as they apply for purposes of title XXVII of such Act.

(b) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Health and Human Services, in consultation with the Secretary of Labor and the term ''appropriate Secretary'' means the Secretary of Health and Human Services in relation to carrying out this part under sections 2706 and 2751 of the Public Health Service Act and the Secretary of Labor in relation to carrying out this part under section 713 of the Employee Retirement Income Security Act of 1974.

(c) ADDITIONAL DEFINITIONS.—For purposes of this part:

(1) APPLICABLE AUTHORITY.—The term ''applicable authority'' means—

(A) in the case of a group health plan, the Secretary of Health and Human Services and the Secretary of Labor; and

(B) in the case of a health insurance issuer with respect to a specific provision of this part, the applicable State authority (as defined in section 2791(d) of the Public Health Service Act), or the Secretary of Health and Human Services, if such Secretary is enforcing such provision under section 2722(a)(2) or 2761(a)(2) of the Public Health Service Act.

(2) ENROLLEE.—The term ''enrollee'' means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

(3) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term in section 733(a) of the Employee Retirement Income Security Act of 1974, except that such term includes a employee welfare benefit plan treated as a group health plan under section 732(d) of such Act or defined as such a plan under section 607(1) of such Act.

(4) HEALTH CARE PROFESSIONAL.—The term ''health care professional'' means an individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification.

(5) HEALTH CARE PROVIDER.—The term ''health care provider'' includes a physician or other health care professional, as well as an institutional or other facility or agency that provides health care services and that is licensed, accredited, or certified to provide health care items and services under applicable State law.

(6) NETWORK.—The term ''network'' means, with respect to a group health plan or health insurance issuer offering health insurance coverage, the participating health care professionals and providers through whom the plan or issuer provides health care items and services to participants, beneficiaries, or enrollees.

(7) NONPARTICIPATING.—The term ''nonparticipating'' means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage, a health care provider that is not a participating health care provider with respect to such items and services.

(8) PARTICIPATING.—The term ''participating'' means, with respect to a health care provider that provides health care items and services to a participant, beneficiary, or enrollee under group health plan or health insurance coverage offered by a health insurance issuer, a health care provider that furnishes such items and services under a contract or other arrangement with the plan or issuer.

(9) PRIOR AUTHORIZATION.—The term ''prior authorization'' means the process of obtaining prior approval from a health insurance issuer or group health plan for the provision or coverage of medical services.

(10) TERMS AND CONDITIONS.—The term ''terms and conditions'' includes, with respect to a group health plan or health insurance coverage, requirements imposed under this part with respect to the plan or coverage.

SEC. 1632. PREEMPTION; STATE FLEXIBILITY; CONSTRUCTION.

(a) CONTINUED APPLICABILITY OF STATE LAW WITH RESPECT TO HEALTH INSURANCE ISSUERS.—

(1) IN GENERAL.—Subject to paragraph (2), this part shall not be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers (in connection with group health insurance coverage or otherwise) except to the extent that such standard or requirement prevents the application of a requirement of this part.

(2) CONTINUED PREEMPTION WITH RESPECT TO GROUP HEALTH PLANS.—Nothing in this part shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 with respect to group health plans.

(3) CONSTRUCTION.—In applying this section, a State law that provides for equal access to, and availability of, all categories of licensed health care providers and services shall not be treated as preventing the application of any requirement of this part.

(b) APPLICATION OF SUBSTANTIALLY COMPLIANT STATE LAWS.—

(1) IN GENERAL.—In the case of a State law that imposes, with respect to health insurance coverage offered by a health insurance issuer and with respect to a group health plan that is a non-Federal governmental plan, a requirement that substantially complies (within the meaning of subsection (c)) with a patient protection requirement (as defined in paragraph (3)) and does not prevent the application of other requirements under this subtitle (except in the case of other substantially compliant requirements), in applying the requirements of this part under section 2720 and 2754 (as applicable) of the Public Health Service Act (as added by part II), subject to subsection (a)(2)—

(A) the State law shall not be treated as being superseded under subsection (a); and

(B) the State law shall apply instead of the patient protection requirement otherwise applicable with respect to health insurance coverage and non-Federal governmental plans.

(2) LIMITATION.—In the case of a group health plan covered under title I of the Employee Retirement Income Security Act of 1974, paragraph (1) shall be construed to apply only with respect to the health insurance coverage (if any) offered in connection with the plan.

(3) DEFINITIONS.—In this section:

(A) PATIENT PROTECTION REQUIREMENT.—The term ''patient protection requirement'' means a requirement under this part, and includes (as a single requirement) a group or related set of requirements under a section or similar unit under this part.

(B) SUBSTANTIALLY COMPLIANT.—The terms ''substantially compliant'', substantially complies'', or ''substantial compliance'' with respect to a State law, mean that the State law has the same or similar features as the patient protection requirements and has a similar effect.

(c) DETERMINATIONS OF SUBSTANTIAL COMPLIANCE.—

(1) CERTIFICATION BY STATES.—A State may submit to the Secretary a certification that a State law provides for patient protections that are at least substantially compliant with one or more patient protection requirements. Such certification shall be accompanied by such information as may be required to permit the Secretary to make the determination described in paragraph (2)(A).

(2) REVIEW.—

(A) IN GENERAL.—The Secretary shall promptly review a certification submitted under paragraph (1) with respect to a State law to determine if the State law substantially complies with the patient protection requirement (or requirements) to which the law relates.

(B) APPROVAL DEADLINES.—

(i) INITIAL REVIEW.—Such a certification is considered approved unless the Secretary notifies the State in writing, within 90 days after the date of receipt of the certification, that the certification is disapproved (and the reasons for disapproval) or that specified additional information is needed to make the determination described in subparagraph (A).

(ii) ADDITIONAL INFORMATION.—With respect to a State that has been notified by the Secretary under clause (i) that specified additional information is needed to make the determination described in subparagraph (A), the Secretary shall make the determination within 60 days after the date on which such specified additional information is received by the Secretary.

(3) APPROVAL.—

(A) IN GENERAL.—The Secretary shall approve a certification under paragraph (1) unless—

(i) the State fails to provide sufficient information to enable the Secretary to make a determination under paragraph (2)(A); or

(ii) the Secretary determines that the State law involved does not provide for patient protections that substantially comply with the patient protection requirement (or requirements) to which the law relates.

(B) STATE CHALLENGE.—A State that has a certification disapproved by the Secretary under subparagraph (A) may challenge such disapproval in the appropriate United States district court.

(C) DEFERENCE TO STATES.—With respect to a certification submitted under paragraph (1), the Secretary shall give deference to the State's interpretation of the State law involved and the compliance of the law with a patient protection requirement.

(D) PUBLIC NOTIFICATION.—The Secretary shall—

(i) provide a State with a notice of the determination to approve or disapprove a certification under this paragraph;

(ii) promptly publish in the Federal Register a notice that a State has submitted a certification under paragraph (1);

(iii) promptly publish in the Federal Register the notice described in clause (i) with respect to the State; and

(iv) annually publish the status of all States with respect to certifications.

(4) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing the certification (and approval of certification) of a State law under this subsection solely because it provides for greater protections for patients than those protections otherwise required to establish substantial compliance.

(5) PETITIONS.—

(A) PETITION PROCESS.—Effective on the date on which the provisions of this subtitle become effective, as provided for in section 1652, a group health plan, health insurance issuer, participant, beneficiary, or enrollee may submit a petition to the Secretary for an advisory opinion as to whether or not a standard or requirement under a State law applicable to the plan, issuer, participant, beneficiary, or enrollee that is not the subject of a certification under this subsection, is superseded under subsection (a)(1) because such standard or requirement prevents the application of a requirement of this part.

(B) OPINION.—The Secretary shall issue an advisory opinion with respect to a petition submitted under subparagraph (A) within the 60-day period beginning on the date on which such petition is submitted.

(d) DEFINITIONS.—For purposes of this section:

(1) STATE LAW.—The term ''State law'' includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

(2) STATE.—The term ''State'' includes a State, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any political subdivisions of such, or any agency or instrumentality of such.

SEC. 1633. REGULATIONS.

The Secretaries of Health and Human Services and Labor shall issue such regulations as may be necessary or appropriate to carry out this part. Such regulations shall be issued consistent with section 104 of Health Insurance Portability and Accountability Act of 1996. Such Secretaries may promulgate any interim final rules as the Secretaries determine are appropriate to carry out this part.

SEC. 1634. INCORPORATION INTO PLAN OR COVERAGE DOCUMENTS.

The requirements of this part with respect to a group health plan or health insurance coverage are deemed to be incorporated into, and made a part of, such plan or the policy, certificate, or contract providing such coverage and are enforceable under law as if directly included in the documentation of such plan or such policy, certificate, or contract.

PART II—APPLICATION OF QUALITY CARE STANDARDS TO GROUP HEALTH PLANS AND HEALTH INSURANCE COVERAGE UNDER THE PUBLIC HEALTH SERVICE ACT

SEC. 1641. APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act, as amended by section 1001, is further amended by adding at the end the following new section:

''SEC. 2720. PATIENT PROTECTION STANDARDS.

''Each group health plan shall comply with patient protection requirements under part I of subtitle H of title I of the Patient Protection and Affordable Care Act, and each health insurance issuer shall comply with patient protection requirements under such part with respect to group health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.''.

(b) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of such Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2720)'' after ''requirements of such subparts''.

SEC. 1642. APPLICATION TO INDIVIDUAL HEALTH INSURANCE COVERAGE.

Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2753 the following new section:

''SEC. 2754. PATIENT PROTECTION STANDARDS.

''Each health insurance issuer shall comply with patient protection requirements under part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to individual health insurance coverage it offers, and such requirements shall be deemed to be incorporated into this subsection.''.

SEC. 1643. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.), as amended by section 1002, is further amended by adding at the end the following:

''SEC. 2795. COOPERATION BETWEEN FEDERAL AND STATE AUTHORITIES.

''(a) AGREEMENT WITH STATES.—A State may enter into an agreement with the Secretary for the delegation to the State of some or all of the Secretary's authority under this title to enforce the requirements applicable under part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to health insurance coverage offered by a health insurance issuer and with respect to a group health plan that is a non-Federal governmental plan.

''(b) DELEGATIONS.—Any department, agency, or instrumentality of a State to which authority is delegated pursuant to an agreement entered into under this section may, if authorized under State law and to the extent consistent with such agreement, exercise the powers of the Secretary under this title which relate to such authority.''.

PART III—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

SEC. 1651. APPLICATION OF PATIENT PROTECTION STANDARDS TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 1562, is further amended by adding at the end the following new section:

''SEC. 716. PATIENT PROTECTION STANDARDS.

''(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act (as in effect as of the date of the enactment of such Act), and such requirements shall be deemed to be incorporated into this subsection.

''(b) PLAN SATISFACTION OF CERTAIN REQUIREMENTS.—

''(1) SATISFACTION OF CERTAIN REQUIREMENTS THROUGH INSURANCE.—For purposes of subsection (a), insofar as a group health plan provides benefits in the form of health insurance coverage through a health insurance issuer, the plan shall be treated as meeting

the following requirements of part I of subtitle H of title I of the Patient Protection and Affordable Care Act with respect to such benefits and not be considered as failing to meet such requirements because of a failure of the issuer to meet such requirements so long as the plan sponsor or its representatives did not cause such failure by the issuer:

''(A) Section 1611 (relating to choice of health care professional).

''(B) Section 1612 (relating to access to emergency care).

''(C) Section 1613 (relating to timely access to specialists).

''(D) Section 1614 (relating to access to pediatric care).

''(E) Section 1615 (relating to patient access to obstetrical and gynecological care).

''(F) Section 1616 (relating to continuity of care), but only insofar as a replacement issuer assumes the obligation for continuity of care.

''(2) APPLICATION TO PROHIBITIONS.—Pursuant to rules of the Secretary, if a health insurance issuer offers health insurance coverage in connection with a group health plan and takes an action in violation of section 1621 of the Patient Protection and Affordable Care Act (relating to prohibition of interference with certain medical communications), the group health plan shall not be liable for such violation unless the plan caused such violation.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed to affect or modify the responsibilities of the fiduciaries of a group health plan under part 4 of subtitle B.

''(4) TREATMENT OF SUBSTANTIALLY COMPLIANT STATE LAWS.—For purposes of applying this subsection, any reference in this subsection to a requirement in a section or other provision in subtitle H of title I of the Patient Protection and Affordable Care Act with respect to a health insurance issuer is deemed to include a reference to a requirement under a State law that substantially complies (as determined under section 1632(c) of such Act) with the requirement in such section or other provisions.

''(c) CONFORMING REGULATIONS.—The Secretary shall issue regulations to coordinate the requirements on group health plans and health insurance issuers under this section with the requirements imposed under the other provisions of this title.''.

(b) SATISFACTION OF ERISA CLAIMS PROCEDURE REQUIREMENT.—Section 503 of such Act (29 U.S.C. 1133) is amended by inserting ''(a)'' after ''SEC. 503.'' and by adding at the end the following new subsection:

''(b) In the case of a group health plan (as defined in section 733) compliance with the requirements of subpart A of part I of subtitle H of title I of the Patient Protection and Affordable Care Act, and compliance with regulations promulgated by the Secretary, in the case of a claims denial shall be deemed compliance with subsection (a) with respect to such claims denial.''.

(c) CONFORMING AMENDMENTS.—(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 716''.

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 715 the following new item:

''Sec. 716. Patient protection standards''.

(d) EFFECT ON COLLECTIVE BARGAINING AGREEMENTS.—In the case of health insurance coverage maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers that was ratified before the date of enactment of this title, the provisions of this section (and the amendments made by this section) shall not apply until the date on which the last of the collective bargaining agreements relating to the coverage terminates. Any coverage amendment made pursuant to a collective bargaining agreement relating to the coverage which amends the coverage solely to conform to any requirement added by this section (or amendments) shall not be treated as a termination of such collective bargaining agreement.

SEC. 1652. EFFECTIVE DATE.

This subtitle (and the amendments made by this subtitle) shall become effective for plan years beginning on or after the date that is 6 months after the date of enactment of this Act.

SA 3066. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1907, after line 25, add the following:

''(P) An entity that is owned or operated by a unit of local government which provides mental health or health care services and is located in a county in which the rate of uninsurance is above the national rate of uninsurance for the under-65 population, based on the best available estimate of the rate of uninsurance published by the Bureau of the Census.''.

SA 3067. Mr. PRYOR (for himself, Mrs. BOXER, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL TRADE COMMISSION OVERSIGHT OVER HEALTH INSURANCE ISSUERS.

Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended in the undesignated matter following subsection (l), by striking ''Nothing'' and all that follows through ''was made.'' and inserting the following:

''Notwithstanding the Act of March 9, 1945 (15 U.S.C. 1011 et seq.) and the definition of corporation in section 4, the Commission may use the authority described in this section to conduct studies, prepare reports, and disclose information relating to insurance, without regard to whether the subject of the study, report, or the information is for-profit or not-for-profit.

''Subject to the Act of March 9, 1945 (15 U.S.C. 1011 et seq.) and notwithstanding the definition of corporation in section 4, the provisions of this Act shall apply to an insurer without regard to whether such insurer is for-profit or not-for-profit. For purposes of this paragraph, an employer or membership organization not organized for its own profit or that of its members that provides health care or medical malpractice benefits only to its employees or members shall not be deemed to be a health insurer or a medical malpractice insurer, provided that this exclusion shall not apply to a separate entity that issues insurance or to an organization whose sole or primary membership benefit is insurance.''.

SA 3068. Mr. KYL (for himself, Mr. ROBERTS, Mr. VITTER, Mr. GRASSLEY, Mr. CRAPO, Mr. COBURN, Mr. BARRASSO, and Mr. JOHANNS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON CERTAIN USES OF DATA OBTAINED FROM COMPARATIVE EFFECTIVENESS RESEARCH; ACCOUNTING FOR PERSONALIZED MEDICINE AND DIFFERENCES IN PATIENT TREATMENT RESPONSE.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal department, office, or representative—

(1) shall not use data obtained from the conduct of comparative effectiveness research, including such research that is conducted or supported using funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), to deny coverage of an item or service under a Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f))), including under plans offered under the Federal Employees Health Benefits Program (under chapter 89 of title 5, United States Code), or under private health insurance; and

(2) shall ensure that comparative effectiveness research conducted or supported by the Federal Government accounts for factors contributing to differences in the treatment response and treatment preferences of patients, including patient-reported outcomes, genomics and personalized medicine, the unique needs of health disparity populations, and indirect patient benefits.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Commissioner of Food and Drugs under the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act.

(c) PATIENT CENTERED OUTCOMES RESEARCH INSTITUTE BOARD.—Notwithstanding section 1181(f)(1)(A) and (B) of the Social Security Act (as added by section 6301(a)), no Federal officer or employee (including Federally elected officials and members of Congress) shall serve on the Board of Governors of the Patient Centered Outcomes Research Institute.

SA 3069. Mr. KOHL submitted an amendment intended to be proposed by him to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—COMBATING ELDER ABUSE AND SILVER ALERTS

SEC. __11. SHORT TITLE.

This title may be cited as the ''Combating Elder Abuse and National Silver Alert Act of 2009''.

Subtitle A—Elder Abuse Victims Act of 2009

SEC. __21. SHORT TITLE.

This subtitle may be cited as the ''Elder Abuse Victims Act of 2009''.

PART I—ELDER ABUSE VICTIMS

SEC. __31. ANALYSIS, REPORT, AND RECOMMENDATIONS RELATED TO ELDER JUSTICE PROGRAMS.

(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Attorney General, in consultation with the Secretary of Health and Human Services, shall carry out the following:

(1) STUDY.—Conduct a study of laws and practices relating to elder abuse, neglect, and exploitation, which shall include—

(A) a comprehensive description of State laws and practices relating to elder abuse, neglect, and exploitation;

(B) a comprehensive analysis of the effectiveness of such State laws and practices; and

(C) an examination of State laws and practices relating to specific elder abuse, neglect, and exploitation issues, including—

(i) the definition of—

(I) ''elder'';

(II) ''abuse'';

(III) ''neglect'';

(IV) ''exploitation''; and

(V) such related terms the Attorney General determines to be appropriate;

(ii) mandatory reporting laws, with respect to—

(I) who is a mandated reporter;

(II) to whom must they report and within what time frame; and

(III) any consequences for not reporting;

(iii) evidentiary, procedural, sentencing, choice of remedies, and data retention issues relating to pursuing cases relating to elder abuse, neglect, and exploitation;

(iv) laws requiring reporting of all nursing home deaths to the county coroner or to some other individual or entity;

(v) fiduciary laws, including guardianship and power of attorney laws;

(vi) laws that permit or encourage banks and bank employees to prevent and report suspected elder abuse, neglect, and exploitation;

(vii) laws relating to fraud and related activities in connection with mail, telemarketing, or the Internet;

(viii) laws that may impede research on elder abuse, neglect, and exploitation;

(ix) practices relating to the enforcement of laws relating to elder abuse, neglect, and exploitation; and

(x) practices relating to other aspects of elder justice.

(2) DEVELOPMENT OF PLAN.—Develop objectives, priorities, policies, and a long-term plan for elder justice programs and activities relating to—

(A) prevention and detection of elder abuse, neglect, and exploitation;

(B) intervention and treatment for victims of elder abuse, neglect, and exploitation;

(C) training, evaluation, and research related to elder justice programs and activities; and

(D) improvement of the elder justice system in the United States.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, submit to the chairman and ranking member of the Special Committee on Aging of the Senate, and the Speaker and minority leader of the House of Representatives, and the Secretary of Health and Human Services, and make available to the States, a report that contains—

(A) the findings of the study conducted under paragraph (1);

(B) a description of the objectives, priorities, policies, and a long-term plan developed under paragraph (2); and

(C) a list, description, and analysis of the best practices used by States to develop, implement, maintain, and improve elder justice systems, based on such findings.

(b) GAO RECOMMENDATIONS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall review existing Federal programs and initiatives in the Federal criminal justice system relevant to elder justice and shall submit to Congress—

(1) a report on such programs and initiatives; and

(2) any recommendations the Comptroller General determines are appropriate to improve elder justice in the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2010 through 2016.

SEC. __32. VICTIM ADVOCACY GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, may award grants to eligible entities to study the special needs of victims of elder abuse, neglect, and exploitation.

(b) AUTHORIZED ACTIVITIES.—Funds awarded pursuant to subsection (a) shall be used for pilot programs that—

(1) develop programs for and provide training to health care, social, and protective services providers, law enforcement, fiduciaries (including guardians), judges and court personnel, and victim advocates; and

(2) examine special approaches designed to meet the needs of victims of elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of the fiscal years 2010 through 2016.

SEC. __33. SUPPORTING LOCAL PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS.

(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, policy development, multidisciplinary coordination, and other types of support to local prosecutors and courts handling elder justice-related cases, including—

(1) funding specially designated elder justice positions or units in local prosecutors' offices and local courts; and

(2) funding the creation of a Center for the Prosecution of Elder Abuse, Neglect, and Exploitation to advise and support local prosecutors and courts nationwide in the pursuit of cases involving elder abuse, neglect, and exploitation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2010 through 2016.

SEC. __34. SUPPORTING STATE PROSECUTORS AND COURTS IN ELDER JUSTICE MATTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to State prosecutors and courts, employees of State Attorneys General, and Medicaid Fraud Control Units handling elder justice-related matters.

(b) CREATING SPECIALIZED POSITIONS.—Grants under this section may be made for—

(1) the establishment of specially designated elder justice positions or units in State prosecutors' offices and State courts; and

(2) the creation of a position to coordinate elder justice-related cases, training, technical assistance, and policy development for State prosecutors and courts.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2010 through 2016.

SEC. __35. SUPPORTING LAW ENFORCEMENT IN ELDER JUSTICE MATTERS.

(a) IN GENERAL.—Subject to the availability of appropriations under this section, the Attorney General, after consultation with the Secretary of Health and Human Services, the Postmaster General, and the Chief Postal Inspector for the United States Postal Inspection Service, shall award grants to eligible entities to provide training, technical assistance, multidisciplinary coordination, policy development, and other types of support to police, sheriffs, detectives, public safety officers, corrections personnel, and other first responders who handle elder justice-related matters, to fund specially designated elder justice positions or units designed to support first responders in elder justice matters.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of the fiscal years 2010 through 2016.

SEC. __36. EVALUATIONS.

(a) GRANTS UNDER THIS PART.—

(1) IN GENERAL.—In carrying out the grant programs under this part, the Attorney General shall—

(A) require each recipient of a grant to use a portion of the funds made available through the grant to conduct a validated evaluation of the effectiveness of the activities carried out through the grant by such recipient; or

(B) as the Attorney General considers appropriate, use a portion of the funds available under this part for a grant program under this part to provide assistance to an eligible entity to conduct a validated evaluation of the effectiveness of the activities carried out through such grant program by each of the grant recipients.

(2) APPLICATIONS.—

(A) SUBMISSION.—To be eligible to receive a grant under this part, an entity shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, which shall include—

(i) a proposal for the evaluation required in accordance with paragraph (1)(A); and

(ii) the amount of assistance under paragraph (1)(B) the entity is requesting, if any.

(B) REVIEW AND ASSISTANCE.—

(i) IN GENERAL.—An employee of the Department of Justice, after consultation with an employee of the Department of Health and Human Services with expertise in evaluation methodology, shall review each application described in subparagraph (A) and determine whether the methodology described in the proposal under subparagraph (A)(i) is adequate to gather meaningful information.

(ii) DENIAL.—If the reviewing employee determines the methodology described in such proposal is inadequate, the reviewing employee shall recommend that the Attorney General deny the application for the grant,

or make recommendations for how the application should be amended.

(iii) NOTICE TO APPLICANT.—If the Attorney General denies the application on the basis of such proposal, the Attorney General shall inform the applicant of the reasons the application was denied, and offer assistance to the applicant in modifying the proposal.

(b) OTHER GRANTS.—Subject to the availability of appropriations under this section, the Attorney General shall award grants to appropriate entities to conduct validated evaluations of grant activities that are funded by Federal funds not provided under this part, or other funds, to reduce elder abuse, neglect, and exploitation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2010 through 2016.

SEC. __37. DEFINITIONS.

In this part:

(1) ELDER.—The term ''elder'' means an individual age 60 or older.

(2) ELDER JUSTICE.—The term ''elder justice'' means—

(A) from a societal perspective, efforts to—

(i) prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation; and

(ii) protect elders with diminished capacity while maximizing their autonomy; and

(B) from an individual perspective, the recognition of an elder's rights, including the right to be free of abuse, neglect, and exploitation.

(3) ELIGIBLE ENTITIES.—The term ''eligible entity'' means a State or local government agency, Indian tribe or tribal organization, or any other public or nonprofit private entity that is engaged in and has expertise in issues relating to elder justice or a field necessary to promote elder justice efforts.

PART II—ELDER SERVE VICTIM GRANT PROGRAMS

SEC. __41. ESTABLISHMENT OF ELDER SERVE VICTIM GRANT PROGRAMS.

(a) ESTABLISHMENT.—The Attorney General, acting through the Director of the Office of Victims of Crime of the Department of Justice (in this section referred to as the ''Director''), shall, subject to appropriations, carry out a three-year grant program to be known as the Elder Serve Victim grant program (in this section referred to as the ''Program'') to provide grants to eligible entities to establish programs to facilitate and coordinate programs described in subsection (e) for victims of elder abuse.

(b) ELIGIBILITY REQUIREMENTS FOR GRANTEES.—To be eligible to receive a grant under the Program, an entity must meet the following criteria:

(1) ELIGIBLE CRIME VICTIM ASSISTANCE PROGRAM.—The entity is a crime victim assistance program receiving a grant under the Victims of Crime Act of 1984 (42 U.S.C. 1401 et seq.) for the period described in subsection (c)(2) with respect to the grant sought under this section.

(2) COORDINATION WITH LOCAL COMMUNITY BASED AGENCIES AND SERVICES.—The entity shall demonstrate to the satisfaction of the Director that such entity has a record of community coordination or established contacts with other county and local services that serve elderly individuals.

(3) ABILITY TO CREATE ECRT ON TIMELY BASIS.—The entity shall demonstrate to the satisfaction of the Director the ability of the entity to create, not later than 6 months after receiving such grant, an Emergency Crisis Response Team program described in subsection (e)(1) and the programs described in subsection (e)(2).

For purposes of meeting the criteria described in paragraph (2), for each year an entity receives a grant under this section the entity shall provide a record of community coordination or established contacts described in such paragraph through memoranda of understanding, contracts, subcontracts, and other such documentation.

(c) ADMINISTRATIVE PROVISIONS.—

(1) CONSULTATION.—Each program established pursuant to this section shall be developed and carried out in consultation with the following entities, as appropriate:

(A) Relevant Federal, State, and local public and private agencies and entities, relating to elder abuse, neglect, and exploitation and other crimes against elderly individuals.

(B) Local law enforcement including police, sheriffs, detectives, public safety officers, corrections personnel, prosecutors, medical examiners, investigators, and coroners.

(C) Long-term care and nursing facilities.

(2) GRANT PERIOD.—Grants under the Program shall be issued for a three-year period.

(3) LOCATIONS.—The Program shall be carried out in six geographically and demographically diverse locations, taking into account—

(A) the number of elderly individuals residing in or near an area; and

(B) the difficulty of access to immediate short-term housing and health services for victims of elder abuse.

(d) PERSONNEL.—In providing care and services, each program established pursuant to this section may employ a staff to assist in creating an Emergency Crisis Response Teams under subsection (e)(1).

(e) USE OF GRANTS.—

(1) EMERGENCY CRISIS RESPONSE TEAM.—Each entity that receives a grant under this section shall use such grant to establish an Emergency Crisis Response Team program by not later than the date that is six months after the entity receives the grant. Under such program the following shall apply:

(A) Such program shall include immediate, short-term emergency services, including shelter, care services, food, clothing, transportation to medical or legal appointment as appropriate, and any other life services deemed necessary by the entity for victims of elder abuse.

(B) Such program shall provide services to victims of elder abuse, including those who have been referred to the program through the adult protective services agency of the local law enforcement or any other relevant law enforcement or referral agency.

(C) A victim of elder abuse may not receive short-term housing under the program for more than 30 consecutive days.

(D) The entity that established the program shall enter into arrangements with the relevant local law enforcement agencies so that the program receives quarterly reports from such agencies on elder abuse.

(2) ADDITIONAL SERVICES REQUIRED TO BE PROVIDED.—Not later than one year after the date an entity receives a grant under this section, such entity shall have established the following programs (and community collaborations to support such programs):

(A) COUNSELING.—A program that provides counseling and assistance for victims of elder abuse accessing health care, educational, pension, or other benefits for which seniors may be eligible under Federal or applicable State law.

(B) MENTAL HEALTH SCREENING.—A program that provides mental health screenings for victims of elder abuse to identify and seek assistance for potential mental health disorders such as depression or substance abuse.

(C) EMERGENCY LEGAL ADVOCACY.—A program that provides legal advocacy for victims of elder abuse and, as appropriate, their families.

(D) JOB PLACEMENT ASSISTANCE.—A program that provides job placement assistance and information on employment, training, or volunteer opportunities for victims of elder abuse.

(E) BEREAVEMENT COUNSELING.—A program that provides bereavement counseling for families of victims of elder abuse.

(F) OTHER SERVICES.—A program that provides such other care, services, and assistance as the entity considers appropriate for purposes of the program.

(f) TECHNICAL ASSISTANCE.—The Director shall enter into contracts with private entities with experience in elder abuse coordination or victim services to provide such technical assistance to grantees under this section as the entity determines appropriate.

(g) REPORTS TO CONGRESS.—Not later than 12 months after the commencement of the Program, and annually thereafter, the entity shall submit a report to the Chairman and Ranking Member of the Committee on the Judiciary of the House of Representatives, and the Chairman and Ranking Member of the Special Committee on Aging of the Senate. Each report shall include the following:

(1) A description and assessment of the implementation of the Program.

(2) An assessment of the effectiveness of the Program in providing care and services to seniors, including a comparative assessment of effectiveness for each of the locations designated under subsection (c)(3) for the Program.

(3) An assessment of the effectiveness of the coordination for programs described in subsection (e) in contributing toward the effectiveness of the Program.

(4) Such recommendations as the entity considers appropriate for modifications of the Program in order to better provide care and services to seniors.

(h) DEFINITIONS.—For purposes of this section:

(1) ELDER ABUSE.—The term ''elder abuse'' means any type of violence or abuse, whether mental or physical, inflicted upon an elderly individual, and any type of criminal financial exploitation of an elderly individual.

(2) ELDERLY INDIVIDUAL.—The term ''elderly individual'' means an individual who is age 60 or older.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Justice to carry out this section $3,000,000 for each of the fiscal years 2010 through 2012.

Subtitle B—National Silver Alert

SEC. __51. SHORT TITLE.

This subtitle may be cited as the ''National Silver Alert Act''.

SEC. __52. DEFINITIONS.

For purposes of this subtitle:

(1) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) MISSING SENIOR.—The term ''missing senior'' refers to any individual who—

(A) is reported to, or identified by, a law enforcement agency as a missing person; and

(B) meets the requirements to be designated as a missing senior, as determined by the State in which the individual is reported or identified as a missing person.

SEC. __53. SILVER ALERT COMMUNICATIONS NETWORK.

The Attorney General shall, subject to the availability of appropriations under section __57, establish a national Silver Alert communications network within the Department of Justice to provide assistance to regional and local search efforts for missing seniors through the initiation, facilitation, and promotion of local elements of the network

(known as Silver Alert plans) in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to seniors.

SEC. __54. SILVER ALERT COORDINATOR.

(a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall designate an individual of the Department of Justice to act as the national coordinator of the Silver Alert communications network. The individual so designated shall be known as the Silver Alert Coordinator of the Department of Justice (referred to in this subtitle as the ''Coordinator'').

(b) DUTIES OF THE COORDINATOR.—In acting as the national coordinator of the Silver Alert communications network, the Coordinator shall—

(1) work with States to encourage the development of additional Silver Alert plans in the network;

(2) establish voluntary guidelines for States to use in developing Silver Alert plans that will promote compatible and integrated Silver Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Silver Alert plan;

(B) criteria for evaluating whether a situation warrants issuing a Silver Alert, taking into consideration the need for the use of such Alerts to be limited in scope because the effectiveness of the Silver Alert communications network may be affected by overuse, including criteria to determine—

(i) whether the mental capacity of a senior who is missing, and the circumstances of his or her disappearance, warrant the issuance a Silver Alert; and

(ii) whether the individual who reports that a senior is missing is an appropriate and credible source on which to base the issuance of a Silver Alert;

(C) a description of the appropriate uses of the Silver Alert name to readily identify the nature of search efforts for missing seniors; and

(D) recommendations on how to protect the privacy, dignity, independence, and autonomy of any missing senior who may be the subject of a Silver Alert;

(3) develop proposed protocols for efforts to recover missing seniors and to reduce the number of seniors who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the senior is missing through the time of the return of the senior to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocol;

(B) case management protocol;

(C) command center operations;

(D) reunification protocol; and

(E) incident review, evaluation, debriefing, and public information procedures;

(4) work with States to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the Silver Alert communications network with initiating, facilitating, and promoting Silver Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of senior citizen advocacy groups, law enforcement agencies, and public safety communications;

(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the Silver Alert communications network; and

(6) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts for missing seniors through the network.

(c) COORDINATION.—

(1) COORDINATION WITH OTHER AGENCIES.—The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, the head of the Missing Alzheimer's Disease Patient Alert Program, and other appropriate offices of the Department of Justice in carrying out activities under this subtitle.

(2) STATE AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State and local law enforcement agencies in establishing minimum standards under section __55 and in carrying out other activities under this subtitle, as appropriate.

(d) ANNUAL REPORTS.—Not later than one year after the date of enactment of this Act, and annually thereafter, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the Silver Alert plans of each State that has established or is in the process of establishing such a plan. Each such report shall include—

(1) a list of States that have established Silver Alert plans;

(2) a list of States that are in the process of establishing Silver Alert plans;

(3) for each State that has established such a plan, to the extent the data is available—

(A) the number of Silver Alerts issued;

(B) the number of individuals located successfully;

(C) the average period of time between the issuance of a Silver Alert and the location of the individual for whom such Alert was issued;

(D) the State agency or authority issuing Silver Alerts, and the process by which Silver Alerts are disseminated;

(E) the cost of establishing and operating such a plan;

(F) the criteria used by the State to determine whether to issue a Silver Alert; and

(G) the extent to which missing individuals for whom Silver Alerts were issued crossed State lines;

(4) actions States have taken to protect the privacy and dignity of the individuals for whom Silver Alerts are issued;

(5) ways that States have facilitated and improved communication about missing individuals between families, caregivers, law enforcement officials, and other authorities; and

(6) any other information the Coordinator determines to be appropriate.

SEC. __55. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH SILVER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the Coordinator shall establish minimum standards for—

(1) the issuance of alerts through the Silver Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—

(1) VOLUNTARY PARTICIPATION.—The minimum standards established under subsection (a) of this section, and any other guidelines and programs established under section __54, shall be adoptable on a voluntary basis only.

(2) DISSEMINATION OF INFORMATION.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of a missing senior (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.

(3) GEOGRAPHIC AREAS.—The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the Silver Alert communications network be limited to the geographic areas which the missing senior could reasonably reach, considering the missing senior's circumstances and physical and mental condition, the modes of transportation available to the missing senior, and the circumstances of the disappearance.

(4) AGE REQUIREMENTS.—The minimum standards shall not include any specific age requirement for an individual to be classified as a missing senior for purposes of the Silver Alert communication network. Age requirements for determinations of whether an individual is a missing senior shall be determined by each State, and may vary from State to State.

(5) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The minimum standards shall—

(A) ensure that alerts issued through the Silver Alert communications network comply with all applicable Federal, State, and local privacy laws and regulations; and

(B) include standards that specifically provide for the protection of the civil liberties and sensitive medical information of missing seniors.

(6) STATE AND LOCAL VOLUNTARY COORDINATION.—In carrying out the activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the Silver Alert communications network.

SEC. __56. TRAINING AND OTHER RESOURCES.

(a) TRAINING AND EDUCATIONAL PROGRAMS.—The Coordinator shall make available to States, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Silver Alert plans, including broadcasters, first responders, dispatchers, public safety communications personnel, and radio station personnel—

(1) training and educational programs related to the Silver Alert communication network and the capabilities, limitations, and anticipated behaviors of missing seniors, which shall be updated regularly to encourage the use of new tools, technologies, and resources in Silver Alert plans; and

(2) informational materials, including brochures, videos, posters, and websites to support and supplement such training and educational programs.

(b) COORDINATION.—The Coordinator shall coordinate—

(1) with the Assistant Secretary for Aging of the Department of Health and Human Services in developing the training and educational programs and materials under subsection (a); and

(2) with the head of the Missing Alzheimer's Disease Patient Alert Program within the Department of Justice, to determine if any existing material with respect to training programs or educational materials developed or used as subtitle of such Patient Alert Program are appropriate and may be used for the programs under subsection (a).

SEC. __57. AUTHORIZATION OF APPROPRIATIONS FOR THE SILVER ALERT COMMUNICATIONS NETWORK.

There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the Silver Alert communications network as authorized under this subtitle.

SEC. __58. GRANT PROGRAM FOR SUPPORT OF SILVER ALERT PLANS.

(a) GRANT PROGRAM.—Subject to the availability of appropriations to carry out this section, the Attorney General shall carry out a program to provide grants to States for the development and enhancement of programs and activities for the support of Silver Alert plans and the Silver Alert communications network.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to Silver Alert plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to Silver Alert plans;

(3) the development and implementation of new technologies to improve Silver Alert communications; and

(4) such other activities as the Attorney General considers appropriate for supporting the Silver Alert communications network.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to the Department of Justice $5,000,000 for each of the fiscal years 2010 through 2014 to carry out this section and, in addition, $5,000,000 for each of the fiscal years 2010 through 2014 to carry out subsection (b)(3).

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. __59. SAMMY KIRK VOLUNTARY ELECTRONIC MONITORING PROGRAM.

(a) PROGRAM AUTHORIZED.—The Attorney General, after consultation with the Secretary of Health and Human Services, is authorized to award grants to States and units of local government to carry out programs to provide voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals if such individuals are reported as missing.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of the fiscal years 2010 through 2014.

(c) DESIGNATION.—The grant program authorized under this section shall be referred to as the ''Sammy Kirk Voluntary Electronic Monitoring Program''.

Subtitle C—Kristen's Act Reauthorization

SEC. __61. SHORT TITLE.

This subtitle may be cited as ''Kristen's Act Reauthorization of 2009''.

SEC. __62. FINDINGS.

Congress finds the following:

(1) Every year thousands of adults become missing due to advanced age, diminished mental capacity, or foul play. Often there is no information regarding the whereabouts of these adults and many of them are never reunited with their families.

(2) Missing adults are at great risk of both physical harm and sexual exploitation.

(3) In most cases, families and local law enforcement officials have neither the resources nor the expertise to undertake appropriate search efforts for a missing adult.

(4) The search for a missing adult requires cooperation and coordination among Federal, State, and local law enforcement agencies and assistance from distant communities where the adult may be located.

(5) Federal assistance is urgently needed to help with coordination among such agencies.

SEC. __63. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) GRANTS.—

(1) GRANT PROGRAM.—Subject to the availability of appropriations to carry out this section, the Attorney General shall make competitive grants to public agencies or nonprofit private organizations, or combinations thereof, to—

(A) maintain a national resource center and information clearinghouse for missing and unidentified adults;

(B) maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;

(C) coordinate public and private programs that locate or recover missing adults or reunite missing adults with their families;

(D) provide assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, nonprofit organizations, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing adults;

(E) provide assistance to families in locating and recovering missing adults; and

(F) assist in public notification and victim advocacy related to missing adults.

(2) APPLICATIONS.—The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.

(b) OTHER DUTIES.—The Attorney General shall—

(1) coordinate programs relating to missing adults that are funded by the Federal Government; and

(2) encourage coordination between State and local law enforcement and public agencies and nonprofit private organizations receiving a grant pursuant to subsection (a).

SEC. __64. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this subtitle $4,000,000 for each of fiscal years 2010 through 2020.

SA 3070. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 510, between lines 9 and 10, insert the following:

SEC. 2504. EXCEPTION TO MEDICAID COVERAGE EXCLUSION OF WEIGHT LOSS DRUGS AND INCLUSION OF WEIGHT LOSS DRUGS AS COVERED MEDICARE PART D DRUGS.

(a) ELIMINATION OF MEDICAID EXCLUSION.—Section 1927(d)(2)(A) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)(A)) is amended by inserting '', other than prescription weight loss agents approved by the Food and Drug Administration when used for obese patients or for overweight patients with a weight-related co-morbidity, such as hypertension, type 2 diabetes, or dyslipidemia'' after ''weight gain''.

(b) INCLUSION OF COVERAGE UNDER MEDICARE PART D.—Section 1860D-2(e)(1) of the Social Security Act (42 U.S.C. 1395w-102(e)(1)) is amended in the flush matter after and below subparagraph (B), by inserting ''and prescription weight loss agents approved by the Food and Drug Administration when used for obese patients or for overweight patients with a weight-related co-morbidity such as hypertension, type 2 diabetes or dyslipidemia,'' before the period.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2011.

SA 3071. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 861, between lines 19 and 20, insert the following:

SEC. 3137A. TREATMENT OF CERTAIN MEDICARE GEOGRAPHIC CLASSIFICATION REVIEW BOARD (MGCRB) RECLASSIFICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of making payments under Section 1886(d) of the Social Security Act (42 U.S.C. 1395 ww (d)), the Secretary of Health and Human Services shall permit any hospital with Medicare Geographic Classification Review Board reclassifications that overlap for one fiscal year with the option to continue year three of the earlier reclassification while waiving year one of the subsequent reclassification. Such option shall be in addition to the option to immediately transition to year one of the subsequent reclassification with the loss of year three of the earlier reclassification.

(b) APPLICATION.—

(1) IN GENERAL.—Subsection (a) shall apply to discharges occurring on or after October 1, 2009.

(2) SPECIAL RULE FOR FY 2010.—In the case of any hospital whose year three Medicare Geographic Classification Review Board reclassification was lost or eliminated for fiscal 2010, the Secretary of Health and Human Services shall establish a process under which such hospital shall have 30 days from the date of the enactment of this Act to notify the Secretary of the hospital's election to continue for fiscal 2010 the third year of their earlier Medicare Geographic Classification Review Board reclassification.

SA 3072. Mrs. HAGAN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue

Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1255, line 14, after the first period insert the following:

"SEC. 399MM–4. WORKPLACE DISEASE MANAGEMENT AND WELLNESS PUBLIC-PRIVATE PARTNERSHIP.

''(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Labor, the Secretary of the Treasury, the Secretary of Commerce, the Administrator of the Small Business Administration, employers (including small, medium, and large employers), employer organizations, worksite health promotion organizations, State and local health departments, Indian tribes and tribal organizations, and academic institutions, shall provide for the implementation of a national public-private partnership to—

''(1) promote the benefits of workplace wellness programs;

''(2) understand what types of disease prevention and workplace wellness programs are effective, considering different environments, factors, and circumstances;

''(3) understand the obstacles to the implementation of disease prevention and workplace wellness programs, issues relating to employer size and resources, and best practices for the scalable implementation of such programs;

''(4) understand what factors influence employees to participate in workplace disease prevention and wellness programs;

''(5) emphasize an integrated and coordinated approach to workplace disease management and wellness programs;

''(6) ensure informed decisions through the sharing of high quality information and best practices; and

''(7) recommend policies to encourage or stimulate the utilization of worksite disease management and wellness programs, including specific recommendations as to the types of technical and other assistance that may be necessary to fully implement section 399MM.

''(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report that contains—

''(1) the findings of the public-private partnership implemented under subsection (a); and

''(2) recommendations for statutory changes that may be required or useful to implement the findings described in paragraph (1) and to encourage the development of worksite disease management and wellness programs.

''(c) RECOMMENDATIONS BY CDC.—The Director of the Centers for Disease Control and Prevention shall collect information concerning workplace wellness programs and make recommendations to the Secretary on ways to improve such programs.''.

SA 3073. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. ADULT DAY HEALTH CARE SERVICES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall not—

(1) withhold, suspend, disallow, or otherwise deny Federal financial participation under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) for the provision of adult day health care services, day activity and health services, or adult medical day care services, as defined under a State Medicaid plan approved during or before 1994, during such period if such services are provided consistent with such definition and the requirements of such plan; or

(2) withdraw Federal approval of any such State plan or part thereof regarding the provision of such services (by regulation or otherwise).

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to services provided on or after October 1, 2008.

SA 3074. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 453, between lines 5 and 6, insert the following:

SEC. 2203. PERMITTING LOCAL PUBLIC AGENCIES TO ACT AS MEDICAID ENROLLMENT BROKERS.

Section 1903(b)(4) of the Social Security Act (42 U.S.C. 1396b(b)(4)) is amended by adding at the end the following new subparagraph:

''(C)(i) Subparagraphs (A) and (B) shall not apply in the case of a local public agency that is acting as an enrollment broker under a contract or memorandum with a State medicaid agency, provided the local public agency does not have a direct or indirect financial interest with any medicaid managed care plan for which it provides enrollment broker services.

''(ii) In determining whether a local public agency has a direct or indirect financial interest with a medicaid managed care plan under clause (i), the status of a local public agency as a contractor of the plan does not constitute having a direct or indirect financial interest with the plan.''.

SA 3075. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 1266, between lines 17 and 18, insert the following:

Subtitle F—Programs Relating to Congenital Heart Disease

SEC. 4501. PROGRAMS RELATING TO CONGENITAL HEART DISEASE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Congenital Heart Futures Act''.

(b) PROGRAMS RELATING TO CONGENITAL HEART DISEASE.—

(1) PUBLIC EDUCATION AND AWARENESS; NATIONAL REGISTRY; ADVISORY COMMITTEE.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 4303, is further amended by adding at the end the following:

''PART V—PROGRAMS RELATING TO CONGENITAL HEART DISEASE

''SEC. 399NN-1. PUBLIC EDUCATION AND AWARENESS OF CONGENITAL HEART DISEASE.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with appropriate congenital heart disease patient organizations and professional organizations, may directly or through grants, cooperative agreements, or contracts to eligible entities conduct, support, and promote a comprehensive public education and awareness campaign to increase public and medical community awareness regarding congenital heart disease, including the need for life-long treatment of congenital heart disease survivors.

''(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant, cooperative agreement, or contract under this section, an entity shall be a State or private nonprofit entity and shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.''.

''SEC. 399NN-2. NATIONAL CONGENITAL HEART DISEASE REGISTRY.

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may—

''(1) enhance and expand infrastructure to track the epidemiology of congenital heart disease and to organize such information into a nationally-representative surveillance system with development of a population-based registry of actual occurrences of congenital heart disease, to be known as the 'National Congenital Heart Disease Registry'; or

''(2) award a grant to one eligible entity to undertake the activities described in paragraph (1).

''(b) PURPOSE.—The purpose of the Congenital Heart Disease Registry shall be to facilitate further research into the types of health services patients use and to identify possible areas for educational outreach and prevention in accordance with standard practices of the Centers for Disease Control and Prevention.

''(c) CONTENT.—The Congenital Heart Disease Registry—

''(1) may include information concerning the incidence and prevalence of congenital heart disease in the United States;

''(2) may be used to collect and store data on congenital heart disease, including data concerning—

''(A) demographic factors associated with congenital heart disease, such as age, race, ethnicity, sex, and family history of individuals who are diagnosed with the disease;

''(B) risk factors associated with the disease;

''(C) causation of the disease;

''(D) treatment approaches; and

''(E) outcome measures, such that analysis of the outcome measures will allow derivation of evidence-based best practices and guidelines for congenital heart disease patients; and

''(3) may ensure the collection and analysis of longitudinal data related to individuals of all ages with congenital heart disease, including infants, young children, adolescents, and adults of all ages.

''(d) COORDINATION WITH FEDERAL, STATE, AND LOCAL REGISTRIES.—In establishing the National Congenital Heart Registry, the Secretary may identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other

Federal public health infrastructure, including—

''(1) State birth defects surveillance systems;

''(2) the State birth defects tracking systems of the Centers for Disease Control and Prevention;

''(3) the Metropolitan Atlanta Congenital Defects Program; and

''(4) the National Birth Defects Prevention Network.

''(e) PUBLIC ACCESS.—The Congenital Heart Disease Registry shall be made available to the public, as appropriate, including congenital heart disease researchers.

''(f) PATIENT PRIVACY.—The Secretary shall ensure that the Congenital Heart Disease Registry is maintained in a manner that complies with the regulations promulgated under section 264 of the Health Insurance Portability and Accountability Act of 1996.

''(g) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under subsection (a)(2), an entity shall—

''(1) be a public or private nonprofit entity with specialized experience in congenital heart disease; and

''(2) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.''.

''SEC. 399NN-3. ADVISORY COMMITTEE ON CONGENITAL HEART DISEASE.

''(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may establish an advisory committee, to be known as the 'Advisory Committee on Congenital Heart Disease' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—The members of the Advisory Committee may be appointed by the Secretary, acting through the Centers for Disease Control and Prevention, and shall include—

''(1) at least one representative from—

''(A) the National Institutes of Health;

''(B) the Centers for Disease Control and Prevention; and

''(C) a national patient advocacy organization with experience advocating on behalf of patients living with congenital heart disease;

''(2) at least one epidemiologist who has experience working with data registries;

''(3) clinicians, including—

''(A) at least one with experience diagnosing or treating congenital heart disease; and

''(B) at least one with experience using medical data registries; and

''(4) at least one publicly or privately funded researcher with experience researching congenital heart disease.

''(c) DUTIES.—The Advisory Committee may review information and make recommendations to the Secretary concerning—

''(1) the development and maintenance of the National Congenital Heart Disease Registry established under section 399NN-2;

''(2) the type of data to be collected and stored in the National Congenital Heart Disease Registry;

''(3) the manner in which such data is to be collected;

''(4) the use and availability of such data, including guidelines for such use; and

''(5) other matters, as the Secretary determines to be appropriate.

''(d) REPORT.—Not later than 180 days after the date on which the Advisory Committee is established and annually thereafter, the Advisory Committee shall submit a report to the Secretary concerning the information described in subsection (c), including recommendations with respect to the results of the Advisory Committee's review of such information.''.

(2) CONGENITAL HEART DISEASE RESEARCH.—Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by adding at the end the following:

''SEC. 425. CONGENITAL HEART DISEASE.

''(a) IN GENERAL.—The Director of the Institute may expand, intensify, and coordinate research and related activities of the Institute with respect to congenital heart disease, which may include congenital heart disease research with respect to—

''(1) causation of congenital heart disease, including genetic causes;

''(2) long-term outcomes in individuals with congenital heart disease, including infants, children, teenagers, adults, and elderly individuals;

''(3) diagnosis, treatment, and prevention;

''(4) studies using longitudinal data and retrospective analysis to identify effective treatments and outcomes for individuals with congenital heart disease; and

''(5) identifying barriers to life-long care for individuals with congenital heart disease.

''(b) COORDINATION OF RESEARCH ACTIVITIES.—The Director of the Institute may coordinate research efforts related to congenital heart disease among multiple research institutions and may develop research networks.

''(c) MINORITY AND MEDICALLY UNDERSERVED COMMUNITIES.—In carrying out the activities described in this section, the Director of the Institute shall consider the application of such research and other activities to minority and medically underserved communities.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the amendments made by this section such sums as may be necessary for each of fiscal years 2010 through 2014.

SA 3076. Mr. DURBIN (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4107 and insert the following:

SEC. 4107. COVERAGE OF COMPREHENSIVE TOBACCO CESSATION SERVICES IN MEDICAID.

(a) REQUIRING COVERAGE OF COUNSELING AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO USE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3)(B) and 2303, is further amended—

(1) in subsection (a)(4)—

(A) by striking ''and'' before ''(C)''; and

(B) by inserting before the semicolon at the end the following new subparagraph: ''; and (D) counseling and pharmacotherapy for cessation of tobacco use (as defined in subsection (bb))''; and

(2) by adding at the end the following:

''(bb)(1) For purposes of this title, the term 'counseling and pharmacotherapy for cessation of tobacco use' means diagnostic, therapy, and counseling services and pharmacotherapy (including the coverage of prescription and nonprescription tobacco cessation agents approved by the Food and Drug Administration) for cessation of tobacco use by individuals who use tobacco products or who are being treated for tobacco use that is furnished—

''(A) by or under the supervision of a physician; or

''(B) by any other health care professional who—

''(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

''(ii) is authorized to receive payment for other services under this title or is designated by the Secretary for this purpose.

''(2) Subject to paragraph (3), such term is limited to—

''(A) services recommended with respect to individuals in 'Treating Tobacco Use and Dependence: 2008 Update: A Clinical Practice Guideline', published by the Public Health Service in May 2008, or any subsequent modification of such Guideline; and

''(B) such other services that the Secretary recognizes to be effective for cessation of tobacco use.

''(3) Such term shall not include coverage for drugs or biologicals that are not otherwise covered under this title.''.

(b) EXCEPTION FROM OPTIONAL RESTRICTION UNDER MEDICAID PRESCRIPTION DRUG COVERAGE.—Section 1927(d)(2)(F) of the Social Security Act (42 U.S.C. 1396r–8(d)(2)(F)), as redesignated by section 2502(a), is amended by inserting before the period at the end the following: '', except when recommended in accordance with the Guideline referred to in section 1905(bb)(2)(A), agents approved by the Food and Drug Administration under the over-the-counter monograph process for purposes of promoting, and when used to promote, tobacco cessation''.

(c) REMOVAL OF COST-SHARING FOR COUNSELING AND PHARMACOTHERAPY FOR CESSATION OF TOBACCO USE.—

(1) GENERAL COST-SHARING LIMITATIONS.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(D) and (b)(2)(D) by inserting ''and counseling and pharmacotherapy for cessation of tobacco use (as defined in section 1905(bb)) and covered outpatient drugs (as defined in subsection (k)(2) of section 1927 and including nonprescription drugs described in subsection (d)(2) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation in accordance with the Guideline referred to in section 1905(bb)(2)(A)'' after ''section 1905(a)(4)(C),''.

(2) APPLICATION TO ALTERNATIVE COST-SHARING.—Section 1916A(b)(3)(B) of such Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following:

''(xi) Counseling and pharmacotherapy for cessation of tobacco use (as defined in section 1905(bb)) and covered outpatient drugs (as defined in subsection (k)(2) of section 1927 and including nonprescription drugs described in subsection (d)(2) of such section) that are prescribed for purposes of promoting, and when used to promote, tobacco cessation in accordance with the Guideline referred to in section 1905(bb)(2)(A).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SA 3077. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time

homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

On page 816, after line 20, add the following:

SEC. 3115. MEDICARE PASS-THROUGH PAYMENTS FOR CRNA SERVICES.

(a) TREATMENT OF CRITICAL ACCESS HOSPITALS AS RURAL IN DETERMINING ELIGIBILITY FOR CRNA PASS-THROUGH PAYMENTS.—Section 9320(k) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 1395k note), as added by section 608(c)(2) of the Family Support Act of 1988 and amended by section 6132 of the Omnibus Budget Reconciliation Act of 1989, is amended by adding at the end the following:

''(3) Any facility that qualifies as a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act) shall be treated as being located in a rural area for purposes of paragraph (1) regardless of any geographic reclassification of the facility, including such a reclassification of the county in which the facility is located as an urban county (also popularly known as a Lugar county) under section 1886(d)(8)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(8)(B)).''.

(b) TREATMENT OF STANDBY AND ON-CALL COSTS.—Such section 9320(k), as amended by subsection (a), is further amended by adding at the end the following:

''(4) In determining the reasonable costs incurred by a hospital or critical access hospital for the services of a certified registered nurse anesthetist under this subsection, the Secretary shall include standby costs and on-call costs incurred by the hospital or critical access hospital, respectively, with respect to such nurse anesthetist.''.

(c) EFFECTIVE DATES.—

(1) TREATMENT OF CAHS AS RURAL IN DETERMINING CRNA PASS-THROUGH ELIGIBILITY.—The amendment made by subsection (a) shall apply to calendar years beginning on or after the date of the enactment of this Act (regardless of whether the geographic reclassification of a critical access hospital occurred before, on, or after such date).

(2) INCLUSION OF STANDBY COSTS AND ON-CALL COSTS IN DETERMINING REASONABLE COSTS OF CRNA SERVICES.—The amendment made by subsection (b) shall apply to costs incurred in cost reporting periods beginning in fiscal years after fiscal year 2003.

SA 3078. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2786 proposed by Mr. REID (for himself, Mr. BAUCUS, Mr. DODD, and Mr. HARKIN) to the bill H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title IV, insert the following:

SEC. ___. YOUNG WOMEN'S BREAST HEALTH AWARENESS AND SUPPORT OF YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.

(a) SHORT TITLE.—This section may be cited as the ''Young Women's Breast Health Education and Awareness Requires Learning Young Act of 2009'' or ''EARLY Act''.

(b) AMENDMENT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

''PART S—PROGRAMS RELATING TO BREAST HEALTH AND CANCER

''SEC. 399HH. YOUNG WOMEN'S BREAST HEALTH AWARENESS AND SUPPORT OF YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.

''(a) PUBLIC EDUCATION CAMPAIGN.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct a national evidence-based education campaign to increase awareness of young women's knowledge regarding—

''(A) breast health in young women of all racial, ethnic, and cultural backgrounds;

''(B) breast awareness and good breast health habits;

''(C) the occurrence of breast cancer and the general and specific risk factors in women who may be at high risk for breast cancer based on familial, racial, ethnic, and cultural backgrounds such as Ashkenazi Jewish populations;

''(D) evidence-based information that would encourage young women and their health care professional to increase early detection of breast cancers; and

''(E) the availability of health information and other resources for young women diagnosed with breast cancer on—

''(i) fertility preservation;

''(ii) support, including social, emotional, psychosocial, financial, lifestyle, and caregiver support;

''(iii) familial risk factors; and

''(iv) prevention and early detection strategies to reduce recurrence or metastasis;

''(2) EVIDENCE-BASED, AGE APPROPRIATE MESSAGES.—The campaign shall provide evidence-based, age-appropriate messages and materials as developed by the Centers for Disease Control and Prevention and the Advisory Committee established under paragraph (4).

''(3) MEDIA CAMPAIGN.—In conducting the education campaign under paragraph (1), the Secretary shall award grants to entities to establish national multimedia campaigns oriented to young women that may include advertising through television, radio, print media, billboards, posters, all forms of existing and especially emerging social networking media, other Internet media, and any other medium determined appropriate by the Secretary.

''(4) ADVISORY COMMITTEE.—

''(A) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an advisory committee to assist in creating and conducting the education campaigns under paragraph (1) and subsection (b)(1).

''(B) MEMBERSHIP.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall appoint to the advisory committee under subparagraph (A) such members as deemed necessary to properly advise the Secretary, and shall include organizations and individuals with expertise in breast cancer, disease prevention, early detection, diagnosis, public health, social marketing, genetic screening and counseling, treatment, rehabilitation, palliative care, and survivorship in young women.

''(b) HEALTH CARE PROFESSIONAL EDUCATION CAMPAIGN.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Administrator of the Health Resources and Services Administration, shall conduct an education campaign among physicians and other health care professionals to increase awareness—

''(A) of breast health, symptoms, and early diagnosis and treatment of breast cancer in young women, including specific risk factors such as family history of cancer and women that may be at high risk for breast cancer, such as Ashkenazi Jewish population;

''(B) on how to provide counseling to young women about their breast health, including knowledge of their family cancer history and importance of providing regular clinical breast examinations;

''(C) concerning the importance of discussing healthy behaviors, and increasing awareness of services and programs available to address overall health and wellness, and making patient referrals to address tobacco cessation, good nutrition, and physical activity;

''(D) on when to refer patients to a health care provider with genetics expertise;

''(E) on how to provide counseling that addresses long-term survivorship and health concerns of young women diagnosed with breast cancer; and

''(F) on when to provide referrals to organizations and institutions that provide credible health information and substantive assistance and support to young women diagnosed with breast cancer, including—

''(i) re-entry into the workforce or school;

''(ii) infertility as a result of treatment;

''(iii) neuro-cognitive effects;

''(iv) important effects of cardiac, vascular, muscle, and skeletal complications; and

''(v) secondary malignancies.

''(2) MATERIALS.—The education campaign under paragraph (1) may include the distribution of print, video, and Web-based materials on assisting physicians and other health care professionals in achieving the goals of this section.

''(c) PREVENTION RESEARCH ACTIVITIES.—The Secretary, acting through—

''(1) the Director of the Centers for Disease Control and Prevention, shall conduct prevention research on breast cancer in younger women, including—

''(A) behavioral, survivorship studies, and other research on the impact of breast cancer diagnosis on young women;

''(B) formative research to assist with the development of educational messages and information for the public, targeted populations, and their families about breast health, breast cancer, and healthy lifestyles;

''(C) testing and evaluating existing and new social marketing strategies targeted at young women; and

''(D) surveys of health care providers and the public regarding knowledge, attitudes, and practices related to breast health and breast cancer prevention and control in high-risk populations; and

''(2) the Director of the National Institutes of Health, shall conduct research to develop and validate new screening tests and methods for prevention and early detection of breast cancer in young women.

''(d) SUPPORT FOR YOUNG WOMEN DIAGNOSED WITH BREAST CANCER.—

''(1) IN GENERAL.—The Secretary shall award grants to organizations and institutions to provide health information from credible sources and substantive assistance directed to young women diagnosed with breast cancer and pre-neoplastic breast diseases on issues such as—

''(A) education and counseling regarding fertility preservation;

''(B) support, including social, emotional, psychosocial, financial, lifestyle, and caregiver support;

''(C) familial risk factors; and

''(D) prevention and early education strategies to reduce recurrence or metastasis.

''(2) PRIORITY.—In making grants under paragraph (1), the Secretary shall give priority to applicants that deal specifically with young women diagnosed with breast cancer and pre-neoplastic breast disease.

''(e) NO DUPLICATION OF EFFORT.—In conducting an education campaign or other program under subsections (a), (b), (c), or (d), the Secretary shall avoid duplicating other existing Federal breast cancer education efforts.

''(f) MEASUREMENT; REPORTING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(1) measure—

''(A) young women's awareness regarding breast health, including knowledge of family cancer history, specific risk factors and early warning signs, and young women's proactive efforts at early detection;

''(B) the number or percentage of young women utilizing information regarding lifestyle interventions that foster healthy behaviors such as tobacco cessation, nutrition, and physical activity;

''(C) the number or percentage of young women receiving regular clinical breast exams; and

''(D) the number or percentage of young women who perform breast self exams, and the frequency of such exams, before the implementation of this section;

''(2) establish quantitative benchmarks to measure the impact of activities under this section;

''(3) not less than every 3 years, measure the impact of such activities; and

''(4) submit reports to the Congress on the results of such measurements.

''(g) DEFINITIONS.—In this section—

''(1) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and the Trust Territory of the Pacific Islands; and

''(2) the term 'young women' means women 15 to 44 years of age.

''(h) AUTHORIZATION OF APPROPRIATIONS.—To carry out subsections (a), (b), (c)(1), and (d), there are authorized to be appropriated $9,000,000 for each of the fiscal years 2010 through 2014.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 8, 2009, at 1:30 p.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on December 8, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 8, 2009, at 2:15 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 8, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON ENERGY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate in order to conduct a hearing on December 8, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

ORDERS FOR WEDNESDAY, DECEMBER 9, 2009

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, December 9; that following the prayer and pledge, 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 H.R. 3590, the health care reform legislation; that following any remarks of the chair and ranking member of the Finance Committee, or their designees, for up to 10 minutes each, the next 2 hours be for debate only, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each; the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes, with the remaining time equally divided and used in an alternating fashion; further, that no amendments are in order during this time.

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

PROGRAM

Mr. SANDERS. Mr. President, rollcall votes are possible throughout the day tomorrow. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Wednesday, December 9, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION, VICE ROBERT A. STURGELL, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. KORY G. CORNUM

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. STEVEN W. SMITH

EXTENSIONS OF REMARKS

RECOGNIZING THE CONTRIBUTIONS OF BARBARA DEE BRADFORD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. BURGESS. Madam Speaker, I rise today in recognition of Barbara Dee Bradford. After 21 years, Barbie, as she is warmly known by friends and coworkers, is retiring from her post as Director of the Learning Center at the University of North Texas in Denton, Texas.

Barbie began her career at UNT in 1988 as a counselor in the Counseling and Testing Center, and has spent her entire career at UNT dedicated to student success and learning. In 1998 she created the Learning Center and has served as its only Director. Under her leadership, the Center has grown from an office with only one full-time employee and a handful of student workers to one that has seven full-time staff, several graduate assistants, and hundreds of student workers.

Barbie implemented Supplemental Instruction at UNT, a program where students who have recently completed a course return in future semesters and serve as study session tutors for those in the class. This successful program has helped improve the grades of thousands of students at UNT. Today, the Volunteer Tutor program thrives, and hundreds of students volunteer their time to assist other students.

Barbie has devoted time, even on weekends, to assist parents with their child's transition to UNT. For ten years, she has delivered a presentation to parents at each summer orientation session. Barbie uses personal examples to help parents feel at ease. Over the years, she has received numerous phone calls from parents and had students show up on her door. In all those situations, Barbie has welcomed the opportunity to be of assistance to the student, and the family.

Barbie has mentored hundreds of students, graduate students and staff members. Whether the students worked in her office or appeared at her door, she always has taken time to provide guidance and lend an ear. All who have worked for Barbie hold her in the highest regard.

Barbie is a walking example of a lifelong learner and exemplifies that to all with whom she comes in contact, which has allowed her to positively influence the lives of thousands of students over her 21 years at UNT. As a proud alumnus, I appreciate her dedication in support of their academic success as they build the foundations for their future.

Madam Speaker, it is with great honor that I rise today and recognize Barbie Bradford for her years of dedication and selfless service to the University of North Texas. I am proud to represent her and UNT in the United States Congress.

HONORING FRED MACHADO

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Fred Machado upon being named the "2009 Agriculturist of the Year" by the Greater Fresno Area Chamber of Commerce. Mr. Machado will be recognized at the annual Agricultural Awards luncheon on November 18, 2009 in Fresno, California.

In 1932, Mr. Fred Machado was born in the Azores region of Portugal. At the age of sixteen he migrated to the United States with his family. When he arrived in the U.S. he began working as a farm laborer doing jobs that included milking cows for two hundred and fifty dollars a month. He enjoyed the work and took to the dairy industry quickly, but decided to join the United States Navy. In 1955, after leaving the Navy he had saved enough money to purchase a twenty-acre plot in Easton, just west of Fresno, California. During the 1950's, Mr. Machado established a dairy with fifty cows, the company grew, quickly reaching fifteen hundred heifers.

Over the years, Mr. Machado's land increased from twenty-acres to an eight hundred-acre farming operation that produces almonds, grapes, orchards and feed crops. Until this year the farm also included the dairy, however with unprecedented low prices for milk, the Machado family decided to retire from the dairy business.

Mr. Machado is a very active member of the community. He has served on the boards of the National Milk Producers Federation, Challenge Dairy, Danish Creamery and numerous community organizations. Mr. Machado has been active with the Fresno County Farm Bureau for over fifty years, serving in multiple leadership positions including serving as the Eastern Center Co-Chairman, and as president from 1972–1974.

Madam Speaker, I rise today to commend and congratulate Frank Machado upon being named the "2009 Agriculturist of the Year." I invite my colleagues to join me in wishing Mr. Machado many years of continued success.

HONORING CORNELIS J.H. VAN DE VELDE PH.D., M.D.

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Cornelis J.H. van de Velde Ph.D., M.D. For his commitment to the fight against cancer and his participation at the Tony Snow Cancer Symposium in The Villages, Florida on January 21. Hosted by the Caring and Sharing Villagers and the Alliance Healthcare Foundation, the Tony Snow Cancer Symposium is intended to raise funds for the creation of a $25 million cancer center next to Leesburg Regional Hospital and promote cancer awareness in our community.

Currently serving as Professor of Surgical Oncology at the Leiden University Medical Center in Leiden, the Netherlands, Dr. van de Velde has supervised over 50 Ph.D. theses, coordinated 14 projects of the Netherlands Cancer Foundation, six health insurance fund projects, six European randomized breast cancer studies, and four European randomized colorectal cancer studies.

In addition to serving as a professor at the Leiden University Medical Center, he is the center's Coordinator of Oncology and sits on numerous committees there. He serves as Chairman of the Dutch Royal Academy of Sciences, founded and was the first Chairman of the Dutch Colorectal Cancer Group, the Dutch Gastric Cancer Group and the Dutch Breast Cancer Group. Dr. van de Velde has also been the President of the European Society of Surgical Oncology since 2008 and is currently Vice President of the European Cancer Society.

Dr. van de Velde was recognized in 1999 as an Honorary Fellow of the Royal College of Surgeons in London and the Royal College of Surgeons and Physicians in Glasgow.

Madam Speaker, individuals such as Cornelis van de Velde should be recognized for their sincere dedication to improving the health and quality of life for people all over the world. With the passing of my husband Harvey to pancreatic cancer, I can personally attest to the effects of cancer on both a person and their family. I sincerely appreciate the work that Dr. van de Velde has done and wish him further success in his medical endeavors.

IN RECOGNITION OF THE 98TH BIRTHDAY OF RUBY HARTLEY BARTON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the special life of Ruby Hartley Barton of Talladega, Alabama.

Mrs. Barton was born on December 15, 1911 in Georgia to James and Victoria Hartley. Mrs. Barton's father died while she was a baby, and her mother raised her and her six brothers and sisters. Mrs. Barton grew up in a farming and textile family.

She was married to the late B.W. Barton for over 50 years and was blessed with two sons, Charles D. Barton and Larry H. Barton and one daughter, Edith Barton Bishop. Mrs. Barton now has three grandchildren, three great-grandchildren and one great-great grandchild.

Mrs. Barton worked at Bemis Mills for close to 40 years and has spent her life serving God

and volunteering in her church as a Sunday School teacher, choir director and pianist.

On December 15th, her friends and family will celebrate her birthday in her room at Talladega Health Care in Talladega. Today I would like to wish Mrs. Ruby Hartley Barton a very Happy 98th Birthday.

PROMOTING JOBS FOR VETERANS ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. BUYER. Madam Speaker, I rise today to introduce the Promoting Jobs for Veterans Act of 2009.

Last week the U.S. Bureau of Labor Statistics reported that during the month of November there were over one million unemployed veterans in this country. The report also showed that the unemployment rate among our newest cohort of veterans ages 18–24 remains extremely high at 20 percent. Moreover, 700,000 of that million are between the ages of 35 and 64, the years of both the highest earning power and the highest financial needs to pay mortgages and tuitions. I ask unanimous consent that the relevant page from the December Bureau of Labor Statistics Report be included in the RECORD with my remarks.

These numbers paint a very disturbing picture of the obstacles veterans face. These men and women have put their lives on the line in the defense of freedom and democracy around the globe, so we must do a better job of helping these warriors find suitable employment opportunities when they return home.

That is why I have introduced the Promoting Jobs for Veterans Act of 2009. The first title of this bill focuses on providing funding and incentives for veterans to pursue training and education that would provide employment opportunities for them in the new economy. It would create a new troops to teachers program to pay new teachers who are veterans and are teaching in a rural area $500 a month stipend. It would also provide a zip code based housing stipend for unemployed veterans who are participating in a VA approved OJT/Apprenticeship Program.

The second title of the bill focuses on promoting and expanding veteran owned and service disabled veteran owned small businesses. It would reauthorize the VA Veteran Owned Small Business Loan Guaranty Program which would guarantee loans for veteran owned small businesses up to $500,000. It would also allow VA to enter into sole source contracts with veteran owned small businesses in the same way they can with 8(a) firms.

According to the U.S. Small Business Administration, firms with fewer than 500 employees accounted for 64 percent—or 14.5 million—of the 22.5 million net new jobs between 1993 and the third quarter of 2008. I firmly believe that veteran owned small businesses can become a driving force in this nation's recovery and this bill will help make that a reality.

Madam Speaker, I urge my colleagues to co-sponsor this needed legislation.

HONORING ERROTABERE RANCH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to commend and congratulate Errotabere Ranch upon being the recipient of the 2009 Baker, Peterson and Franklin Ag Business Award by the Greater Fresno Area Chamber of Commerce. Mr. Dan Errotabere of Errotabere Ranch will be recognized at the annual Agricultural Awards luncheon on November 18, 2009 in Fresno, California.

Errotabere Ranch is a family operated farm in Riverdale, California and was first established in the 1920's by Mr. Jean Errotabere. By 1979, when Mr. Errotabere passed away, the farm had expanded to include 800 acres of cotton. Today, brothers Dan, Jean Jr., and Remi operate a six thousand-acre diversified farming operation which includes pima cotton, almonds, pistachios, tomatoes, garlic, onions, alfalfa seed, wheat, lettuce and cantaloupes in the Riverdale and the Five Points areas. Each brother is responsible for a specific facet of the business including the finances, crop production and farm equipment. Over the years the family has applied progressive water techniques and technology to better utilize the scarce water resources on the ranch.

The Errotabere family has a long history of community involvement. They have held many leadership roles in the agricultural industry and community organizations. Dan has been an advocate for agricultural water issues, serving on several water-related boards. Dan is also heavily involved with the Fresno County Farm Bureau, currently serving as president. All three brothers are actively involved with Riverdale schools and the Jordan College of Agricultural Sciences and Technology at California State University, Fresno. The family supports Community Medical Centers, Children's Hospital Central California and has been active in the local United Cerebral Palsy Association.

Madam Speaker, I rise today to commend and congratulate Errotabere Ranch upon being honored as the 2009 Baker, Peterson and Franklin Ag Business Award. I invite my colleagues to join me in wishing Errotabere Ranch many years of continued success.

INTRODUCTION OF THE ''NO SOCIAL SECURITY BENEFITS FOR PRISONERS ACT OF 2000''

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. TANNER. Madam Speaker, today, I have introduced legislation that will treat retroactive Social Security and Supplemental Security Income payments due to prisoners consistent with the way ongoing monthly payments are treated.

The ''No Social Security Benefits for Prisoners Act of 2009'' would prevent retroactive Social Security and Supplemental Security Income benefit payments from being issued to individuals while they are in prison, along with beneficiaries in violation of conditions of parole or probation, or who are fleeing to avoid prosecution for a felony or a crime punishable by sentence of more than one year.

The Social Security Act already bars payment of current monthly benefits to such individuals. This bill ensures this prohibition applies to retroactive benefit payments as well, and allows payments to be paid once the beneficiary is no longer prohibited from receiving payments under the provisions of this bill.

I urge my colleagues to support the bill.

RECOGNIZING AND CONGRATULATING ST. PETER LUTHERAN CHURCH IN ROANOKE, TEXAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. BURGESS. Madam Speaker, I stand today to recognize and congratulate St. Peter Lutheran Church in Roanoke, Texas, as they celebrate the groundbreaking for their first facility.

St. Peter Lutheran Church was founded in September of 2006, when a small group of 37 families from Roanoke and surrounding cities in North Texas decided to plant a new church in their rapidly growing community. The congregation met under the guidance of Pastor Robert Balduc in a school gym, and later in the Roanoke Recreation Center.

The church's small beginnings did not stop them from reaching out to the community. Members of St. Peter Lutheran Church actively contribute to their community in many ways, such as participating in Habitat for Humanity, providing free games and activities for local children at city events, holding food and supply drives for local food pantries, among countless other acts of generosity. The church even has its own barbequeing team—the Holy Smokers—who use their grilling and smoking talents to serve others.

The church now encompasses over 100 families, and is still growing. Their rapidly increasing size has led them to purchase 11 acres of land in Roanoke, where they will break ground on Sunday, December 6, 2009, and build their first multi-use church facility. Future plans also include a school, Concordia Academy, which will one day serve and educate children throughout North Texas.

Madam Speaker, St. Peter Lutheran Church is a shining light in Roanoke, Texas. I am extremely proud to represent Pastor Balduc and the entire church congregation in the 26th Congressional District. Their service to the community is valued and appreciated, and I look forward to watching the church grow, and observing the positive impact they will continue to have in North Texas.

A PROCLAMATION HONORING THE 20TH ANNIVERSARY OF THE TUSCO COMPOSITE SQUADRON OH–277, CIVIL AIR PATROL, UNITED STATES AIR FORCE AUXILIARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. SPACE. Madam Speaker:

Whereas, the Tusco Composite Squadron, founded in 1989, is celebrating 20 years of commendable service in Tuscarawas County, and

Whereas, three founding members—Ltc. Betty Turnbull, Ltc. Marilyne Shanks and Ltc. Wayne Shanks—have served their unit since its inception, and

Whereas, the Tusco Composite Squadron has assisted the community by securing crash sites, helping with disaster relief efforts, and other services, and

Whereas, the Tusco Composite Squadron has been the recipient of numerous awards pertaining to their work and services; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Tusco Composite Squadron OH–277 on 20 years of service to the community and the Air Force.

NORTHWEST STRAITS MARINE CONSERVATION INITIATIVE ACT (H.R. 1672)

SPEECH OF

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 2009

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my support for the Northwest Straits Marine Conservation Initiative Reauthorization Act, H.R. 1672.

Throughout the 1980s and early 1990s the marine waters of the Strait of Juan de Fuca, the San Juan Islands and northern Puget Sound, collectively known as the Northwest Straits, experienced substantial environmental decline. This was concerning because local communities rely on the resources of the Northwest Straits to create good-paying jobs and many iconic and endangered species, including orca whales and pacific salmon, rely on the Northwest Straits for food and habitat.

In 1997, Senator PATTY MURRAY and Congressman Jack Metcalf convened a blue-ribbon commission to examine ways to reverse this trend and restore the health of the Northwest Straits. In 1998, Congress adopted the Murray-Metcalf Commission's recommendations when it authorized the creation of the Northwest Straits Marine Conservation Commission, a grassroots organization which does not exercise regulatory authority but harnesses the energy of local communities to develop and implement conservation and restoration projects.

For the last 11 years, the Northwest Straits Commission has done great work to restore the Northwest Straits. Their projects have helped create jobs and protect endangered and threatened species.

The Northwest Straits Commission has demonstrated the ability to implement challenging recovery projects. The Commission used $4.5 million of funding from the American Recovery and Reinvestment Act to remove hundreds of acres of abandoned fishing gear from the seafloor. This project created jobs for out-of-work fisherman and saved the lives of endangered species.

The legislation under consideration on the House floor today would extend the legislative authorization of the Northwest Straits Commission for an additional five years. It will increase tribal participation in the Commission and improve oversight of its activities.

H.R. 1672 has earned the support of our local community—I have received letters of support for this legislation from elected officials, businesspeople and environmentalists in every county in which the Northwest Straits Commission operates.

Similar legislation has been introduced in the United States Senate by my friend Senator PATTY MURRAY. I hope that our joint effort will help to protect and restore the Northwest straits for the people, fish, and threatened wildlife which rely on it.

CELEBRATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. POE of Texas. Madam Speaker, it was 20 years ago November 9, 1989, that the most notorious symbol of the Cold War, The Iron Curtain, came crashing down. When the Berlin Wall was opened for "private trips abroad", thousands lined up at check points demanding passage. In the following days and weeks, hundreds celebrated by physically tearing down the concrete division so completely that very little of the actual wall remains.

The Berlin Wall was erected by the German Democratic Republic in 1961 separating Eastern and Western Germany to stop migration of East Germans trying to escape communism. The wall had many deterrents for those looking for escape. Its total border length around West Berlin was ninety-six miles with forty-one miles of wire mesh fencing, sixty-five miles of anti-vehicle trenches, and seventy-nine miles of contact or signal fence. It has been reported that between 136 and 192 people were killed on the Berlin Wall and about 200 persons injured by shooting while attempting to escape between 1961 and 1989.

November 9, 2009, two decades later, thousands cheered as colorfully decorated mammoth dominos set along a mile-long route were toppled; symbolizing the wall coming down and the fall of communist countries in Eastern Europe. On this day, we remember those brave, proud people who stood up to say no more!

HONORING ANDREW SCOTT RICE

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. MARCHANT. Madam Speaker, I rise today to honor an amazing boy from Texas. His name is Drew Scott Rice, and he is a cancer survivor and amputee. Drew has experienced some difficult times, but his strong character has made it possible for him to live a healthy active life.

At the age of six, Drew was diagnosed with Ewing's Sarcoma Cancer on April 30, 2004. His treatment consisted of fourteen rounds of chemotherapy and the amputation of his left leg.

Drew returned to school on crutches after missing nine months for treatment. Even with missing so much school, he was able to continue his academics at the same grade level.

Even more surprisingly, Drew began playing baseball only three months post treatment. Drew has successfully adapted to his prosthetic leg as if it was second nature. He has played a total sixteen seasons between two leagues as a 1st baseman, 3rd baseman, and pitcher.

Drew has also shared his strength with other patients. He has visited cancer victims and amputees at San Antonio area hospitals and homes to offer encouragement and hope that they too can overcome their hardships.

As of December 10, 2009 Drew has been cancer free for five years. I am honored to speak of Andrew's strength here today and I ask my colleagues to join me in recognizing Drew as an inspiration and role model to those who suffer from cancer and or amputation.

HONORING MARIA GROVNER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. KINGSTON. Madam Speaker, I rise today in order to recognize Georgia's Middle School Counselor of the Year, Maria Grovner. A native of McIntosh County Georgia, Ms. Grovner is the middle school counselor at Creekland Middle School in Gwinnett County Georgia. Before receiving the honor of being named Middle School Counselor of The Year, Ms. Grovner was recognized as Gwinnett County's Counselor of the Year and as the Region II Middle School Counselor of the Year.

As a result of Ms. Grovner's hard work and numerous undertakings, it is no surprise that she has received these accolades. In addition to implementing numerous student activities and promoting diversity and early college awareness at the middle school level, Ms. Grovner coordinates a Peer Leadership Conference for approximately 600 middle school peer leaders. Additionally, the Georgia School Counselors Association is fortunate to have Ms. Grovner serving as the Mentoring Program Co-Chair and as the Middle School Worksetting Vice-President. As Worksetting Vice-President, Ms. Grovner assists other middle school counselors throughout the state in implementing the best practices in their counseling programs.

Ms. Grovner's dedication to her profession and the students she serves is admirable and exemplary. Madam Speaker, I am proud to honor Maria Grovner as the State of Georgia's Middle School Counselor of the Year.

VILLAGE OF ARGYLE IN MISSOURI

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize the Village of Argyle,

located in Maries and Osage counties, in Missouri.

I would like to acknowledge the Village of Argyle as its residents prepare to celebrate the milestone of their centennial this upcoming June.

In the beginning of the 20th century, a group of Scottish-Irish surveyors made their way to the Midwest and were preparing to build a rail bed for the St. Louis, Kansas City and Colorado railroad to run between Kansas City and St. Louis. This spurred the formation of a town.

The area, once known as Sanbonfass, after St. Boniface, was named Argyle after a shire in the Isles of Scotland called Argyll. The Village was incorporated in 1908, and the rock island line brought prosperity to the village shortly thereafter. Today the Village is home to about 170 of my constituents, all of whom I know are proud to call Argyle home.

In closing, Madam Speaker, I ask all my colleagues to join me in wishing the residents of the Village of Argyle congratulations on reaching this important milestone.

DAKOTA COMMUNITIES

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. PAULSEN. Madam Speaker, recently I met with representatives of Dakota Communities—an award-winning 37 year old non-profit organization that helps people with disabilities realize their potential in their lives and communities.

In Minnesota's Third Congressional District, there are over fifty direct support professionals who have dedicated their careers to working for several group homes. These hard-working, talented men and women have repeatedly demonstrated their dedication to caring for those with disabilities. For their efforts and the positive impact these efforts will have in the lives of so many, I am extremely grateful.

IN MEMORY OF A SOUTH TEXAS HERO, BILL SUMMERS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. ORTIZ. Madam Speaker, I rise today to honor in memoriam the dedication and outstanding leadership of Mr. Bill Summers, who led the Rio Grande Valley Partnerships as its CEO for 20 years until his passing on Monday, December 1.

Mr. Summers, who spent 2 decades promoting South Texas and Mexico, as the two areas worked in unison to attract business opportunities and economic development to the region, was a pillar of South Texas. He was the unsung hero of the Rio Grande Valley, who is credited with bringing together local governments, economic development organizations and Chambers of Commerce to bring jobs and a better way of life to our communities.

Through his vision and tireless work for the Rio Grande Valley, he was able to secure business opportunities and ventures with Mexico and most importantly, the state of Tamaulipas, which borders Texas. Mr. Summers worked tirelessly to unite the South Texas region and to create economic growth and prosperity for the area.

He was key in establishing, opening and maintaining the first Texas Chamber of Commerce office in Victoria, Tamaulipas, Mexico, to promote trade and tourism of the South Texas region into Mexico.

Through Mr. Summer's work in Texas, the nation and Mexico, he was able to improve the lives of many by growing jobs and pushing for economic opportunities. He was instrumental in the creation of the Rio Grande Valley Mobility Task Force, which brought additional transportation funding to South Texas and pushed for the creation of an interstate highway.

Recently, he was honored when Farm-to-Market Road 1015 between U.S. Highway 83 and the Progreso International Bridge was named the Bill Summers International Boulevard.

Although we have lost a great hero whom we all deeply cared for and loved, I am certain his love and passion for the Rio Grande Valley will remain in our hearts and spirits for years and years to come. We will always remember Mr. Summers as a wise man who worked for the good. We will remember Mr. Summers as a man who could do it all.

Today, I ask that my colleagues join me in commemorating the life of Mr. Bill Summers, who served this nation with dignity, honor, respect and admiration.

CLEAN AIR AND WATER INVESTMENT ACT OF 2009

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Clean Air and Water Investment Act of 2009. This legislation will restore tax exempt bonding for air and water pollution control facilities.

Prior to the 1986 revision to the tax code, state authorized agencies and political subdivisions were permitted to administer tax exempt bonds to finance "air and water pollution control facilities." The program proved so effective that even facilities that were grandfathered, and not subject to clean air standards, were proactive participants, providing cleaner air and water for our communities.

As we continue to look for ways to assist businesses and local governments in their efforts to reduce pollution, these bonds provide an affordable solution that will put people to work while providing cleaner and healthier communities. This bill would restore a proven incentive for industry to invest in cleaner air and water. Importantly, because it falls under a pre-existing spending cap, this legislation will present no new liability to the U.S. Treasury.

Members on opposite sides of the aisle frequently may differ on many issues before this body, but this is not one of them. I am pleased to be working on this bill with Congressman KEVIN BRADY of Texas, a fellow Congressional baseball aficionado. Congressman BRADY has been working on this issue for many years now, and I look forward to collaborating with him and seeing this bill signed into law.

I urge my colleagues to consider support this important legislation.

HONORING WILLIAM S. DALTON, PH.D., M.D.

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor William S. Dalton, Ph.D., M.D. for his commitment to the fight against cancer and his participation at the Tony Snow Cancer Symposium in The Villages, Florida, on January 21. Hosted by the Caring and Sharing Villagers and the Alliance Healthcare Foundation, the Tony Snow Cancer Symposium is intended to raise funds for the creation of a $25 million Cancer Center next to Leesburg Regional Hospital and promote awareness in our community.

Dr. Dalton currently serves as the President/Chief Executive Officer and Center Director at the H. Lee Moffitt Cancer Center & Research Institute in Tampa, Florida. The Moffitt Cancer Center is regarded as one of the top cancer facilities in the United States. With two decades of cancer research and contributions to over 200 publications, including the Journal of the American Medical Association and the Journal of the National Cancer Institute, Dr. Dalton has established himself as an expert in the fight against cancer.

Recognized as a "Best Doctor in America" since 1993, Dr. Dalton's primary areas of research include biochemical mechanisms of drug resistance, new drug discovery and the biology and treatment of multiple myeloma. He was also instrumental in obtaining the Molecular Oncology, Mopp, grant of $5 million for the Moffitt Cancer Center in 2000.

Madam Speaker, individuals such as William S. Dalton should be recognized for their sincere dedication to improving the health and quality of life for people all over the world. With the passing of my husband Harvey to pancreatic cancer, I can personally attest to the affects of cancer on both a person and their family. I sincerely appreciate the work that Dr. Dalton has done and wish him further success in his medical endeavors.

IN RECOGNITION OF CHEROKEE COUNTY HIGH SCHOOL WINNING THE ALABAMA 3A STATE FOOTBALL CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the Piedmont High School football team in Piedmont, Alabama, who won the 2009 Alabama 3A State Football Championship.

On December 3, the Piedmont Bulldogs defeated Cordova High School by a score of 35–28 at Bryant-Denny Stadium in Tuscaloosa,

Alabama. The Bulldogs finished the season with a record of 13–2.

Piedmont High School is located in northern Calhoun County, and their Bulldogs are coached by Steve Smith. The principal is Jerry Snow.

Congratulations to the Piedmont County High School Bulldogs football team, coaches, staff, and high school. All of us across Calhoun County and east Alabama are proud of these young people for their outstanding achievement.

HONORING ROBERT FOX, MAJOR (RET.)

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleague JIM COSTA, to commend and congratulate Robert Fox upon being honored the ''Citizen Soldier Award'' by Fresno City College. Major Fox was recognized on Friday, November 6, 2009 at the annual Veterans Peace Memorial event held at Fresno City College in Fresno, California.

Major Robert Fox enlisted in the Indiana National Guard in 1962, and became the first African American to be commissioned as a Second Lieutenant by the Officer Candidate School at the Indiana Military Academy. He served with National Guard units in Indiana and Iowa prior to fulfilling his service obligations. In 1980 Major Fox received a direct commission as a Captain (03) and was assigned to the 49th Military Police Brigade of the California Army National Guard.

Shortly after Major Fox assumed the Dean's position at Fresno City College, he was transferred to the 195th Transportation Battalion in Fresno, where he served as a staff officer. He was later selected to command the 2668th Transportation Company. During his tenure as Commander, the 2668th was selected on short notice to participate in Operation Team Spirit in the Republic of Korea. The unit was required to prepare assigned equipment, personnel and supplies to sustain the unit for forty days under combat conditions. The unit exceeded all time requirements in its preparation and performed in a meritorious manner during the exercise.

After assignment to the 115th Support Group in Roseville, California, Major Fox returned to the 185th Transportation Battalion with the rank of Major (04) as Battalion S–2/3 with the responsibility of training and operations. In 1994, Major Fox retired from the California National Guard after serving as Battalion Executive Director.

Major Fox's commitment to the welfare, professional development and career advancement of the non-commissioned officers and junior commissioned officers under his leadership were hallmarks of his service. His military education includes the completion of the Adjunct General Corps, Military Police Corps and Transportation Corps Basic Officer Courses; the Military Police Corps and Transportation Corps Advanced Officer Courses and attendance at the Command and General Staff School. For his service, Major Fox has been awarded the Army Commendation Medal with Cluster and the Army Achievement Medal.

Madam Speaker, Mr. COSTA and I rise today to commend and congratulate Major Robert Fox upon being recognized as a ''Citizen Soldier.'' I invite my colleagues to join us in wishing Major Fox many years of continued success.

CONGRATULATIONS TO THE SAILORS WHO HAVE COMPLETED 1,000 DETERRENT PATROLS ON ''OHIO'' CLASS SUBMARINES

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. KINGSTON. Madam Speaker, I rise to support H. Con. Res. 129. To congratulate the accomplishment of Submarine Sailors completing 1,000 *Ohio*-class deterrent patrols. The people of coastal Georgia have great pride in their Submarine Sailors. It started back in July 1978 when Kings Bay, Georgia was chosen to be home for the Trident missile submarines of the Atlantic Fleet. In November 1981 the USS *Ohio* was commissioned and became the first submarine to carry Trident Missiles. *Ohio* made her first patrol 27 years ago this month in December 1982. Over 20 years ago in January 1989 the USS *Tennessee* became the first *Ohio*-class submarine to be stationed in Kings Bay. In Spring 2008 USS *Georgia* returned to Kings Bay to start a new type of mission as an SSGN.

Ohio-class submarines are modern marvels as the sea-based leg of the strategic deterrence triad. SSBNs (or Boomers) have a wide range of capabilities and when directed by the President can rapidly target their missiles. Each Boomer can carry 24 Trident missiles with up to 8 warheads per missile. These missiles have a range of over 7,000 miles and can reach their target within 30 minutes. The warhead is accurate enough to hit the area the size of a baseball diamond with the destructive force of 475 kilotons of TNT. As impressive as these ships are, they are operated by the even more impressive Sailors of the submarine force. Our Sailors have faithfully safeguarded the Boomers without incident for 50 years. Our submarine Sailors have set the gold standard for nuclear surety in the world.

These Sailors are screened for physical, mental and psychological fitness to serve on submarines. They spend up to two years in school to know how to work on a submarine including cooking, plumbing, electrical repair, underwater maintenance, operating a nuclear powered propulsion plant and maintaining 100% reliability of the strategic missile system all of the time. Most of the crew is between 20 to 25 years old but some already have college degrees and all are volunteers. Within one year of first stepping onboard a submarine these Sailors earn their ''Dolphins,'' a pin that signifies they are fully knowledgeable of the submarine's many technical systems and fully reliable during any casualty to be able to save the ship and their shipmates. They join the proud history and tradition of the submarine force with World War II submarine heroes like Mush Morton, Dick O'Kane and Admiral Eugene Fluckey. Because of the sacrifice and hard work of these Trident Sailors they have kept the 18 *Ohio*-class submarines in outstanding condition. These ships will last close to ten years longer than their design life despite operating in the harsh conditions of the oceans.

For over 1,000 patrols the Sailors serving on *Ohio*-class submarines have moved on and off the ship during crew turnover. They bring their sea bag full of gear, photos of family and friends, some snacks, and nowadays their favorite DVDs and I-Tunes. During a two-month patrol they make the boat their home. Maybe once a week they get an email from home called Sailor Mail. They routinely do not actually talk to their wives, kids, family or friends for many weeks. This is a unique sacrifice especially during this age of global telecommunication.

During those 1,000 patrols while these Sailors were at sea, the rest of us could go to work everyday, worship on Sunday, take our kids to baseball practice after school, shop at the grocery store and fish in our lakes and streams without fear because these Sailors stood the watch and defended our homes. For this we are thankful every day.

I rise today to congratulate our nation's Submarine Sailors who completed 1,000 patrols on *Ohio*-class submarines on this day December 2, 2009.

CONGRATULATING THE CHAZY CENTRAL RURAL SCHOOL BOYS SOCCER TEAM

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. OWENS. Madam Speaker, I rise today to congratulate Chazy Central's boys' soccer team for their victory in the 2009 New York state soccer championship.

On Sunday the 22nd of November, high school soccer fans were treated to a great soccer match between some of the most skilled players in the state. The Chazy boys entered the state championship ranked as the number one team in their class and they carried that honor to the state championship, defeating Northville Central School in the final match.

I also want to extend my congratulations to Coach Rob McAuliffe, who built upon an impressive legacy to take our team to victory. I understand that since 1953, the Chazy boys' soccer team has had only four regular seasons without a winning record, and the elite status of these athletic young men could not have been reached without the 14 years of dedication from Coach McAuliffe.

I want to congratulate the boys' team of Kyle McCarthy, Brandon Laurin, Kaleb Snide, Tyler Bulriss, Shea Howley, Jordan Berriere, Andrew Rabideau, Nathan Reynolds, Andrew Duprey, Marc Oshier, Nolan Rogers, Dyllan Hack, Ian Anderson, Michael Santor, Matt Gravelle, and Austin Santor for all they have accomplished. Their teamwork sets a strong example for the community and reminds us all what is possible when we come together.

Once again, congratulations to Coach McAuliffe for his continuing efforts and to the Chazy Eagles on their success.

INTRODUCING THE DEPARTMENT OF VETERANS AFFAIRS ACQUISITION IMPROVEMENT ACT OF 2009

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. BUYER. Madam Speaker, today, I am introducing the Department of Veterans Affairs Acquisition Improvement Act of 2009. This legislation addresses serious long-term procurement problems within the Department of Veterans Affairs (VA) and would provide the VA with greater oversight of its contracting and asset management processes.

VA has annual expenditures of more than $14.1 billion for supplies, services, and construction. The Department of Veterans Affairs Acquisition Reform Act of 2009 is a first step to provide a centralized oversight and policy for contracting and acquisition within the Department by streamlining business operations under an Assistant Secretary for Acquisition, Construction and Asset Management. This bill will improve procurement processes by:

Establishing the position of the Assistant Secretary of Veterans Affairs for Acquisition, Construction and Asset Management who would serve as the Chief Acquisition Officer for the VA.

Providing an appropriate structure for acquisition policy and oversight over contracts and purchases.

Requiring the Secretary to establish and maintain a comprehensive centralized Department-wide acquisition program, and to develop a streamlined approach to purchasing goods and services.

Providing VA the authority to use personal services contracts to ensure patients at VA medical facilities are provided quality contract care without unnecessary expenses.

Authorizing the VA to have complete responsibility and auditing authority for the two Federal Supply Schedules delegated to the VA by the General Services Administration.

Providing a clear definition for small business concerns to be listed in the database of veteran-owned businesses maintained by the VA.

I am pleased to be joined by a number of members in introducing this much needed legislation, and urge my colleagues to support the bill.

COMMENDING THE SOLDIERS AND CIVILIAN PERSONNEL STATIONED AT FORT GORDON

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 2009

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a cosponsor of H. Con. Res. 206, a resolution commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation.

Fort Gordon dates to 1940, when the United States Army recognized a need for a military installation near Augusta, Georgia that could aid in combat during the ensuing Second World War. The groundbreaking actually took place in 1941, and the base was originally named Camp Gordon after John B. Gordon, a general during the Civil War and former Governor of Georgia. During World War II, Camp Gordon was home to the 4th Infantry Division, 26th Infantry Division, and 10th Armored Division of the Army until they were deployed to Europe. However, in 1948, Camp Gordon became the home of the Signal Corps Training Center—for which it is most commonly known today.

Throughout the Korean war the need for signalmen grew, and the Signal Corps Training Center became the largest single source for Army communications specialists. Camp Gordon was also made a permanent installation in 1956 and was renamed Fort Gordon. Further, during the Vietnam war era and after, communications specialists became an absolutely necessary component of highly technological and modernized warfare, and Fort Gordon was recognized as an exemplary institution for these soldiers as the Signal Corps Training Center came to be known as the United States Army Signal Center at Fort Gordon.

Fort Gordon and the troops and families stationed there were instrumental in Operations Desert Shield and Desert Storm, and during the 1990s the installation was responsible for training most of the DoD personnel who operate and maintain satellites, as well as training signal troops of allied and former nations.

Currently, approximately 19,000 soldiers are stationed at Fort Gordon, and Augusta has been a welcome home to all of them. To this day, the base continues its tradition of success in the Signal Corps, as it trains soldiers for deployment into theater in Iraq and Afghanistan. On behalf of Georgia's 11th Congressional District, I am proud of the continued dedication to the safety and security of the United States of the men and women at Fort Gordon and thank them for their nearly 60 years of service to this Nation. Georgia has been blessed with an abundance of willing men and women who are committed to ensuring freedom and liberty for America, and I thank each of them for their service.

I believe that the brave men and women at Fort Gordon and every military installation who sacrifice for our present freedoms deserve our fullest support. Our Nation's service men and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. As we ask these courageous soldiers, sailors, airmen, and marines—and their families—to do more and more, it's only right we continue doing all we can for them. Commending the accomplishments and service of our troops at Fort Gordon is just one small example of the gratitude that every American should express to our troops at home and abroad.

With that, Mr. Speaker, I ask all of my colleagues to support this resolution.

IN MEMORY OF JODIE MAHONY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Joseph ''Jodie'' Mahony II of El Dorado, Arkansas, who passed away on Saturday, December 5, 2009, at the age of 70. Having served 36 years in the Arkansas state legislature, Jodie was a legend in Arkansas government and politics and his presence will be deeply missed.

Jodie committed his life to making Arkansas a better place to get an education, to live and to work. He was first elected to the Arkansas House of Representatives in 1970 and served 24 years before winning a Senate seat in 1994. In 2002, after two 4-year terms, when newly adopted term limits kept him from seeking re-election as senator, he ran for the House again, where he was still eligible to serve two more 2-year terms.

Jodie retired officially from elected office in 2006, but his presence remained at the State Capitol where he served as a part-time aide to the House Speaker during the 2007 legislative session. Throughout his career, Jodie filed 1,429 bills, with much of his efforts focused on public and higher education, the developmentally disabled, child support enforcement and natural resources conservation.

In addition to Jodie's public service, he and his family have played an influential role in the state's legal history. The grandson and son of lawyers, Jodie followed in his family's footsteps to become a lawyer, and today, in its 113th year, the Mahony law firm is the oldest operating law firm in the State of Arkansas. Jodie also served in the U.S. Marine Corps in active duty and the reserves.

Our State is better for Jodie's service to it and its people. I never thought of Jodie as a politician, but rather as a statesman. He had the respect of every legislator for his knowledge, fairness and commitment to our great State. I had the privilege of serving with Jodie during my time in the Arkansas state legislature from 1991 through 2000 and he was a friend, a role model and someone I trusted for sincere advice and counsel.

My thoughts and prayers and those of every Arkansan are with Jodie's family during this difficult time, especially to his wife, Bettie Anne; his two sons, Joseph K. Mahony III and Michael Emon Mahony; and three grandchildren, Jordan, Alexandra and Joseph K. Mahony IV.

Jodie will be deeply missed, but never forgotten. Although he is no longer with us, Jodie's many contributions to improving our state will continue on forever, serving as a reminder of his hard work and many good deeds throughout an accomplished legislative career and life.

IN HONOR OF MRS. EDITH ARMSTEAD GRAY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor the life and the legacy of

Mrs. Edith Armstead Gray. Mrs. Gray passed away December 1 at the age of 99. Mrs. Gray was a lady of style, grace, and compassion. But, most of all, Mrs. Gray earned the highest honor that could be bestowed upon any of us: "Servant."

Mrs. Gray was born in Galveston, Texas, in 1910 to Henry and Millie Armstead. She enrolled at Tuskegee Institute, now University, as a student majoring in home economics. She accepted her first and only teaching job in Conecuh County, Alabama, and returned to summer school to earn her B.S. degree from Tuskegee in 1940.

During her extraordinary teaching career, she became a great role model for thousands of young men and women who entered her classroom. But, her commitment and dedication to humankind did not limit itself to the classroom.

Shirley Chisholm once said that "Service is the rent that we pay for the space that we occupy here on this earth." Mrs. Gray paid her rent and she paid it well. She gave dedicated service to many community organizations to include: the Conecuh County branch of the NAACP; the Evergreen Housing Authority board of directors; the Neoteric Club, now associated with Neoteric Clubs of Alabama; the Mt. Zion A.M.E. Zion Church; the County Retired Teachers Association; and a life member of the advisory board at Reid Technical College. Because of her dedicated service to Reid Technical College, the library and technology center now proudly bears her name.

Mrs. Gray was a trailblazer. She was a founding member of the Conecuh branch of the NAACP and the Neoteric Club. She worked tirelessly to make sure that citizens in her community exercised their power of the ballot.

Mrs. Gray married Philander A. Gray in 1936. From that union came three accomplished children: Phyllis Hallmon, my chief of staff, Frederick Gray, and Jerome Gray. Upon the death of her husband in 1953, as a single parent, she reared her three children and passed on to each of them a love for people and public service. All of them have had distinguished careers and are making their mark on the world because of their mother's strong influence. Frederick has served for many years as a United Methodist pastor. His charge has been to bring souls to Jesus Christ for His service. Jerome has served as the State Field Director for the Alabama Democratic Conference. Like his dear mother, he has devoted his life and work to the expansion of political and civic opportunities for African-Americans. He has been involved in many capacities at the local and state levels in the fight for civil rights and equal opportunities. He currently serves as a Deputy Commissioner of Agriculture for the State of Alabama. Phyllis has also had a distinguished career, serving as a public school teacher, government lawyer, legislative director to a United States Senator, and chief of staff to two Members of the United States House of Representatives. In the same vein as her mother, she has distinguished herself as a woman of hard work and compassion. The legacy of Mrs. Gray will live on through each of them and their progeny.

Her legacy of good will is something that we all should seek to replicate. Our country and our world are better because Edith Armstead Gray passed this way. She will be sorely missed. I know that after 99 years of dedicated earthly service, she has now claimed her crown of righteousness.

I extend my deepest sympathies to the Gray family and thank them for sharing this special woman with the world for so many years.

TRIBUTE TO SENATOR PAULA HAWKINS

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. MICA. Madam Speaker, it is with sadness that I report to the House of Representatives the passing of former United States Senator Paula Hawkins. Florida's former State Public Service Commissioner and U.S. Senator died Friday, December 4 in Orlando, Florida. With Paula Hawkins' passing, we have lost a remarkable public servant and trailblazer for women and all Americans in the state and national political landscape.

A resident of Winter Park, Florida, who began her public career in nearby Maitland, Florida, was born Paula Fickes in Salt Lake City, Utah, on January 24, 1927. She received her education from the public school systems in Salt Lake City and Richmond, Utah, as well as, Atlanta, Georgia, attending Utah State University from 1944–1947.

In 1972, she became the first woman in Florida elected statewide with her winning a seat on the Public Service Commission. With her election and work to reform Florida's State Utility Commission, she gained the name as the battling "Maitland Housewife." In 1980, she became the first woman elected to the United States Senate without being proceeded in office by a husband or family member.

In the United States Senate, she authored the Missing Children's Act in 1982. During her 6-year term, she championed children's and women's issues and created a public dialogue on the subject of missing, exploited and abused children. "Senator Paula Hawkins was tireless, tenacious and an incredible champion for America's children," said Ernie Allen, President of the National Center for Missing & Exploited Children. "We will cherish her memory and miss her very much."

Senator Hawkins was also responsible for the passage of Radio Marti legislation and a number of measures assisting women in the workforce. She Chaired the Investigation and Oversight Subcommittee of the Senate Labor and Human Resources Committee. In addition, the Senator served as Chair of the Senate Subcommittee on Children, Family, Youth and Drugs and was responsible for establishing the U.S. Senate Child Care Center.

Mrs. Hawkins was instrumental in building the Republican Party, both at the state and national level. She began her GOP work at the local level, served as National Republican Committeewoman from Florida and co-chaired the 1984 Republican Convention Platform Committee. Senator Hawkins was also state co-chair in Florida for several successful Republican Presidential campaigns.

Senator Hawkins received numerous awards and was honored by selection to Florida's Outstanding Women's Hall of Fame.

Prior to election to the U.S. Senate she served as a vice president of Air Florida 1979–1980; director, Rural Telephone Bank board 1972–1978; member President's Commission on White House fellowships 1975; served on Federal Energy Administration Consumer Affairs/Special Impact Advisory Committee 1974–1976; and served for 7 years as a representative for the United States on the Organization of American States Inter-American Drug Abuse Commission.

Senator Hawkins is survived by her husband Gene Hawkins of Winter Park, Florida and three children, Genean McKinnon of Winter Park and Montreal, Kevin Hawkins of Denver, Colorado and Kelly McCoy of Orlando, Florida, as well as, 11 grandchildren and 10 great-grandchildren.

SPEECH ON AFGHANISTAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. SKELTON. Madam Speaker, on Friday December 4, 2009, I had an opportunity to address the American Security Project Conference regarding the situation in Afghanistan. This speech followed a hearing of the House Armed Services Committee, which I chair, the day before. My address is as follows:

[Speech given at the American Security Project Conference, Dec. 4, 2009]

BEYOND THE SURGE: ASSESSING THE PRESIDENT'S AFGHANISTAN STRATEGY

(By Ike Skelton)

First, let me take a moment to thank Admiral Gunn for that introduction. You're too kind. I'd like to extend that thanks to Senator Hart and the American Security Project as a whole. You're doing great work, and I appreciate your efforts. I'd also like to say happy birthday to Evelyn Farkas, here at ASP. I would also like to thank our brave men and women in uniform. We have asked much of them in the past decade, and they have not failed to deliver.

Two months ago, I wrote a letter to the President saying, essentially, that he should listen to his commanders in the field. Being a member of Congress, it took six pages to say that, but that was the basic message. I made that same point in private conversations with the President. And so it pleased me the other night when the President agreed to provide General McChrystal with additional forces needed to make this new strategy work.

But before assessing the overall strategy, I think we should take a moment to remind ourselves why we're in Afghanistan and the threat we face there.

Al Qa'ida presents a serious threat to our nation. Osama bin Laden and his minions have attacked us or attempted to attack us many times over the years. The most remarkable attack involved the murder of 3000 civilians—men, women, and children—but it was hardly the only attack. And I do not believe that anyone has a good reason to believe that they have given up their attempts to attack us.

Following our invasion of Afghanistan in response to this attack, al Qa'ida largely fled to the border regions of Pakistan. Their Taliban allies, meanwhile, continue to escalate their attacks in an attempt to overthrow the Afghan government and drive out the international coalition.

Others have differing opinions on this, but I do not believe that we can ultimately destroy al Qa'ida if we cannot prevent them from recreating a safe haven in Afghanistan.

I also do not believe that we can be successful in rooting them out of Pakistan if we fail in Afghanistan.

Afghanistan and Pakistan have some inherent advantages for al Qa'ida that other places may not. Having been in the region for over 20 years, they have married into local tribes and made contacts with other extremist organizations. These connections have allowed the senior leaders to hide successfully for many years.

Afghanistan is also of strategic value to al Qa'ida. In losing Afghanistan, they lost not only the support of a government and the use of an entire country as a safe haven, but suffered a tremendous blow to their image. Reestablishing a safe haven in Afghanistan could rehabilitate this image among those who resent or oppose the United States, leading to increases in recruiting and funding.

Nor can we consider Afghanistan and Pakistan in isolation—the security situation in Afghanistan can have a negative impact on the stability of Pakistan. It is foolish to think that if the Taliban and al Qa'ida were able to reestablish themselves in all or part of Afghanistan, they would not lend support to those militants seeking to overthrow or destabilize the Pakistani state. Al Qa'ida has already assisted the Pakistani Taliban in carrying out attacks on the Pakistani government, and I would expect this aid to increase if al Qa'ida regained a base in Afghanistan. There was an attack at a mosque earlier today that killed dozens. With a secure base for al Qa'ida, I would expect many more such attacks. And the only thing worse than al Qa'ida loose in Afghanistan again is a destabilized, nuclear-armed Pakistan.

On Tuesday night, the President proposed what I think is a good way ahead as we address this threat. From the extensive media reporting on the process, we all know how thorough a review was conducted by the White House, lasting months and including somewhere around 10 cabinet secretary level meetings and extensive consultation with every expert they could find.

President Obama's strategy rightly focuses on seizing the initiative from the enemy, building Afghan capacity, and ultimately allowing the Afghan government and security forces to take the lead in fighting this war.

The President has appropriately called for additional troops from our allies—this is not just America's war, and we must not allow it to become that. Perhaps more importantly, the President has put the burden of reform squarely on the Afghan government, laying out clear expectations of performance and promising support for those ministries and local leaders that perform.

The President has also rightly acknowledged the importance of Pakistan. Pakistan remains a challenge, playing a key and often contradictory role in the region. Pakistan, by assisting in the pursuit of al Qa'ida and Afghan Taliban leaders, could help bring the war in Afghanistan to an end. Conversely, if Pakistan were to return to old habits of supporting the Afghan Taliban, the war may be almost impossible to win. More concerning, the continued ascendency of militant movements in the region could destabilize Pakistan, a country with nuclear weapons. This could be disastrous for all of us.

I think this is a good strategy. Perhaps most importantly, it is a strategy that I believe has a good chance of success. In the past, I have often said that we lacked a strategy for the first 7 years of the war in Afghanistan. Some of my colleagues have suggested that this assertion may not be entirely fair. But, the result of whatever the prior Administration thought it was doing, ultimately resembled conducting combat operations without any thought of what we were trying to accomplish. So having a strategy, much less a good one, is a great start.

President Obama also, I am pleased to say, took my advice. He listened to his military leaders, including Generals McChrystal and Petraeus, Admiral Mullen, and Secretary Gates. Ultimately, the President endorsed adding 30,000 troops to carry out his strategy. This is on top of the 21,000 he dispatched to Afghanistan earlier this year. In January 2009, there were about 33,000 U.S. troops in Afghanistan. In about 7 months, there will be three times that. That is, I believe, a clear sign of the President's resolve and willingness to do what it takes to be successful in Afghanistan.

Yesterday, the House Armed Services Committee, which I have to honor to chair, hosted Secretary Gates, Admiral Mullen, and Deputy Secretary of State Lew. Next Tuesday, we will hear from General McChrystal and Ambassador Eikenberry. Members, properly, have a lot of questions about the strategy, and we want to make sure that the details have been thought through. I'll list a few of the areas we have explored or will next week.

Many members are concerned about the July 2011 date to begin redeployment. So far, most have focused on that date as being set, rather than completely conditions based, but to me it looks like this is a case where there isn't much to complain about. Secretary Gates and Admiral Mullen were pretty clear that not only were they comfortable with the date, but that they thought it served the useful purpose of motivating the Afghans.

To me, what happens after that date is at least as important as the date itself. Secretary Gates testified that the process of transition that begins on that date would itself be slow and conditions-based, so that while the start of the process was fixed in time, the end could be adjusted as required. And I think that flexibility and realistic approach to a difficult process is exactly right.

One other concern, and one that in my mind might be more realistic, is the unintended consequences of setting out such a message. The message of a gradual, conditions-based transition may not be understood the same way by all audiences. The Pakistanis may well believe that it signals that the United States is once again leaving the region, and that might undermine our hopes of gaining their cooperation. Various ethnic groups in Afghanistan, fearing a civil war after we begin to depart, could start stockpiling weaponry or hedge their bets in other unhelpful ways. I think we have to keep our eyes open for this possibility and be creative in reassuring the Afghans and the Pakistanis that we are not abandoning them.

Corruption in the Afghan government, and the legitimacy or illegitimacy of that government, is also frequently a subject of questioning. It's a concern I share, and one that President Karzai's recent election reinforced. On the positive side, there are ministers and ministries in Afghanistan that have functioned well—Minister Wardak at the Defense Ministry and Minister Atmar at the Interior Ministry are honest effective ministers. The Health Ministry, Education Ministry, and the National Solidarity Program, run by the Ministry of Rural Rehabilitation and Development, all seem to be functioning well.

But there are also legitimate concerns. High level corruption among ministers and governors; shakedowns by police, judges, and other authorities; and perceptions that warlords are untouchable by the law feed the belief among the Afghan people that their government does not serve them. And President Karzai has not always been helpful—his family is perceived to be part of the problem, and his unwillingness to remove the immunity from some ministers so the Afghan Attorney General can indict them is not helpful.

There are ways we can help push for reform—for example, not working with those leaders who prove to be corrupt so that their ability to deliver for their followers or to make money is hampered—but we have to take this seriously. President Karzai, in his inauguration speech also promised to crack down on corruption and to hold a loya jirga of national reconciliation. I would like to hear from General McChrystal and Ambassador Eikenberry how we can hold him to these promises and push to have the jirga also help develop a compact of what the Afghan people have a right to expect from their government.

Members will also likely ask about the promised assessment of efforts in December 2010. I think that is a good time to begin such an assessment—six months after all the promised troops arrive in country—but members will likely have many questions about it. What will we assess? What is an acceptable level of progress? What are the options if progress is insufficient? These are all obvious questions. The one thing I would say is that I think it will behoove all of us to offer the Administration some breathing space before we make judgments about the success of the plan. Asking questions is fair, drawing conclusions about the success or failure of the strategy before it is really implemented probably isn't.

So, in the first few days after the announcement of the new strategy, those are some of my thoughts. I think the President is to be commended for the strategy and the resolve he is showing. I believe he is fully aware of the threat posed by al Qa'ida and the potential posed by a sanctuary for terror in Afghanistan and a possibly destabilized Pakistan. These are serious threats we are facing, and the President is clearly prepared to take realistic, effective and fully resourced steps to address them.

So I conclude as I started, by thanking all of you for what you do, and by asking you to think of the brave men and women in uniform, and the civilians who will assist them, who will have to do the hard, dangerous work to make this strategy a success. We owe them a great deal, and we should never forget it.

Thank you.

TRIBUTE TO BART NELSON, FOUNDER AND CEO OF NELSON IRRIGATION CORP

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, today I rise to recognize Nelson Irrigation and its extraordinary founder, Bart Nelson. Recently recognized by the Seattle Business magazine as one of Washington's top innovators and entrepreneurs, Nelson has been one of the United States' leading pioneers in the field of agricultural irrigation.

Headquartered in Walla Walla, WA, Nelson Irrigation, Nelson, plans, designs, develops, manufactures, and sells proprietary products for the irrigation equipment market. His products are sold to customers throughout the United States and the world. What makes this

company and its founder so special is that Nelson is not just focused on running an economically successful company, but doing so in a responsible way. The company specifically focuses on using natural resources responsibly, thereby saving both water and energy with its innovative products.

If one drives through my home district of eastern Washington, you can't help but spot some of Nelson's products at work. These innovative irrigation systems are helping to produce food for an expanding global population. In fact, Nelson recognizes the importance of their innovative products not just helping feed a growing population, but improving the quality of life for countless people throughout this country and the world.

Madam Speaker, with such innovative, dedicated, and sincere entrepreneurs as Bart Nelson helping to expand the irrigation products to new levels, I am confident that both eastern Washington and the United States can look forward to a future of world-class innovation and prosperity in the agricultural industry.

HONORING THE 125TH ANNIVERSARY OF THE RINGLING BROTHERS CIRCUS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. BALDWIN. Madam Speaker, I rise today to honor the 125th anniversary of the Ringling Brothers Circus and to recognize the role of both the Circus World Museum and the Wisconsin Historical Society in the preservation of circus industry history. The Ringling Brothers Circus has become a celebrated national entertainment enterprise based in Baraboo, Wisconsin, while the Circus World Museum and Wisconsin Historical Society have developed an impressive collection of circus artifacts and knowledge.

The Ringling Brothers Circus rose to prominence under the leadership of several Baraboo area brothers, eventually becoming one of the most successful entertainment enterprises in American history. This circus has contributed to the economic and cultural vitality of Wisconsin since the Ringling brothers gave their first performance on May 19, 1884. Though Chas, Al, John, Alf, and Otto Ringling launched their small business with less than $100 in assets, these five Baraboo natives went on to purchase the world famous Barnum and Bailey Circus. The organization continued to grow, exhibiting the unique talents and showmanship of this Sauk County family for hundreds of audiences across the country. Combining their passion for performance with an entrepreneurial spirit, the Ringling brothers created one of the longest-running entertainment enterprises in the world. The work of the Ringling brothers and the success of their circus provide impressive examples for ambitious performers and business people everywhere. I am proud of the group's contributions to both the state of Wisconsin and to audiences throughout America.

Over the past half century, the Wisconsin Historical Society and the Circus World Museum have become stewards of circus industry memorabilia and information. Baraboo is home to one of the largest collections of historical circus artifacts in the world, and the Circus World Museum's Robert L. Parkinson Library and Research Center has become the world's foremost research facility for circus history. With objects dating back to 1793, these organizations are leaders, both on a local and national level, in the preservation of circus materials. By maintaining the documents, objects, and knowledge base associated with the circus, the Wisconsin Historical Society and the Circus World Museum have conserved a valuable aspect of our national heritage. The Historical Society's work on behalf of the Ringling Brothers Circus, as well as the circus industry as a whole, serves as an ideal example of its dedication to the local communities and to the enrichment of society through historical preservation.

The citizens of Baraboo can be proud of their city, and its role as the first home to the ''Greatest Show on Earth.'' Since its inception, the Ringling Brothers Circus has cultivated a reputation for excellence in entertainment, while the Circus World Museum has set the standard for circus history preservation. I therefore commend Ringling Bros. and Barnum & Bailey Circus for its sustained contributions to the national circus industry, as well as the Wisconsin Historical Society and the Circus World Museum, for their dedication to circus history and research.

NATIONAL PARK SERVICE AUTHORITIES AND CORRECTIONS ACT OF 2009

SPEECH OF

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 2009

Mr. TONKO. Mr. Speaker, as a new Member of Congress, I have spent this year actively seeking opportunities to offer constructive legislative proposals on issues important to my constituents and to the Nation. I have been honored to sponsor measures dealing with improving highway safety and fostering research and development for alternative energy.

In addition to my other legislation focused on energy and transportation safety, I also directed my staff to contact the National Parks, Forests and Public Lands Subcommittee because the protection and preservation of our parks, heritage areas, forests and public lands are of vital interest to me and the people I represent.

The committee informed me that the National Park Service needed legislation to deal with a number of technical concerns facing the agency, and I was honored to act as the sponsor.

H.R. 3804 includes 10-year reauthorizations for two important advisory boards, the National Park System Advisory Board and the National Park Service Concession Management Advisory Board.

The National Park System Advisory Board was first authorized in 1935 and advises the NPS Director and the Secretary of the Interior on matters relating to the agency, the National Park System, and programs administered by the NPS, including the designation of national historic landmarks and proposed national historic trails. A full, 10-year reauthorization of the Board is critical to maintaining the excellent management standards set by the National Park Service.

The Concession Management Advisory Board was established by the National Parks Omnibus Management Act of 1998. The seven-member panel advises the Secretary of the Interior and the National Park Service on matters relating to the effective management of concessions in units of the National Park System. Reauthorization of this Board is important to ensure that the lodging, transportation, dining and other services provided to park visitors are of the very highest quality.

H.R. 3804 also raises the ceiling for the popular Volunteers in Parks program from $3.5 million to $10 million. Volunteers, of course, are not paid, but many receive reimbursement for travel costs or other small expenses. Our national parks simply could not function without these volunteers, and the VIP program is really the least we can do to repay their enormous contributions.

At the request of the National Park Service, H.R. 3804 changes the designation of the Martin Luther King, Junior, National Historic Site in Atlanta to the Martin Luther King, Jr. National Historical Park, to better reflect the size and complexity of the unit.

The bill also makes several minor boundary adjustments that will allow the National Park Service to cooperate with other sites near the U.S.S. *Arizona* Memorial to make ticketing easier for visitors and makes technical corrections for six provisions in the omnibus parks bill from earlier this year.

Finally, H.R. 3804 will strengthen law enforcement in our national parks by increasing and standardizing penalties for violations of park laws.

I urge my colleagues to vote in favor of this bill so that our Park Service can move to a more stable future.

THE HEALTH CARE REALITY CHECK ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce the Health Care Reality Check Act of 2009.

It has become clear that some of my colleagues in Congress lack proper perspective on the urgency of health reform because, ironically, as Members of Congress we enjoy some of the best health security in the world through our government-administered health care:

All Members of Congress are eligible—and most participate in—the Federal Employee Health Benefits Program, which provides all Federal employees with a Government-negotiated insurance exchange that is subsidized by their employer: the Federal Government;

Almost 150 Members of Congress qualify for Medicare, a single-payer Government insurance plan;

The 121 Senators and Representatives who served in our Armed Forces are eligible for the ''socialized'' health care we provide for all veterans; and

Members who aren't veterans can avail themselves to a similar ''socialized'' program—

the Attending Physician in the U.S. Capitol, for an annual fee of around $500.

These Government-run health programs have successfully provided countless Senators and Representatives with life-saving medical treatments, but as we all know, most Americans don't have this kind of protection.

Members of Congress should not have access to taxpayer-funded healthcare when they are actively denying these very people quality care of their own.

Congress needs a reality check.

In 2007, before the economy collapsed, 42 percent of all adult Americans under 65 were either uninsured or underinsured. Our dire unemployment rates and escalating health care costs have only made this situation worse. Today half of all American families delay seeking medical treatment because they have such a tenuous health insurance situation. Many of my colleagues do not fully appreciate the plight of 50 percent of our population, but we can help them understand.

Until health reform is enacted, Members of Congress should get to experience the tender mercies of our fragmented, complex, and exploitative health care system. My Health Care Reality Check Act terminates all government-administered health benefits for Members of Congress until comprehensive health reform is signed into law: no more Federal Employee Health Benefits Program, no Medicare, no VA, no attending physician in the Capitol.

Instead, Senators and Representatives may self-insure or they can rely on a spouse's company having employer-provided insurance, thus tying them—like millions of Americans—to the employment of a family member. Some will need to buy health insurance on the private market, exposing them to legal discrimination based on age and gender.

By personally dealing with rescissions, pre-existing condition exclusions, the fine-print of insurance contracts and the gaps in coverage from weak consumer protections maybe my colleagues can better grasp the urgency of our health care crisis.

If our own health security were linked to the success of health reform for all Americans, we will have a bill enacted within weeks, guaranteed.

INTRODUCING LEGISLATION ADDRESSING WORLD WAR II AND THE DEPORTATION OF JEWS AND OTHERS TO CONCENTRATION CAMPS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mrs. MALONEY. Madam Speakers, I am pleased to join my colleagues Ranking Member ILEANA ROS-LEHTINEN and Congressman JERRY NADLER in introducing bipartisan legislation that addresses a horrific period in world history: World War II and the deportation of millions of Jews and others to concentration camps. This bill would affect French railroad companies, which took more than 75,000 Jews from France to concentration camps during World War II, less than 3 percent of whom survived. Under current law, these foreign entities are immune from legal action. Specifically, the bill provides plaintiffs the right to seek damages against the French National Railway (Societe Nationale des Chemines Fers Francais—SNCF) in Federal Court for its transportation of French and other Jews to Auschwitz as well as its supply of personnel to facilitate the transportation and the assessed charges per person. The French Government claims immunity from legal action due to the Foreign Sovereign Immunities Act, yet the FSIA was passed 30 years after the action causing the damages for which the plaintiffs seek. The bill allows the plaintiffs to sue regardless of the strictures of the FSIA.

Nothing will ever make up for the unthinkable atrocities undertaken by Nazi Germany and its sympathizers during World War II, but every bit of justice is important. No perpetrator or accomplice of the Holocaust should ever go unpunished. This bill allows some measure of closure for those who have suffered for far too long.

FIRST GLOBAL MINISTERIAL CONFERENCE ON ROAD SAFETY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. WEXLER. Madam Speaker, as a founding co-Chair of the Congressional Caucus on Global Road Safety, I rise today to praise the highly encouraging efforts and outcomes of the First Global Ministerial Conference on Road Safety, which took place in Moscow, Russia, on November 19 and 20, 2009.

This important conference was the result of a five-year effort by a global community of stakeholders from multilateral and bilateral institutions, from governmental and nongovernmental organizations, and from academia and civil society. These groups are dedicated to raising international awareness and to mobilizing a global response to advancing road safety.

Hosted by President Dmitry Medvedev and the Russian Federation, this conference brought together transportation ministers, health ministers, non-governmental organizations, and experts from across the globe and reflected a growing understanding among nations to seek opportunities to cooperate on tackling one of the world's most severe problems today—the epidemic of road crash deaths and injuries.

The statistics for this epidemic are staggering: 1.3 million people are killed annually on the world's roads and 50 million more are injured. The number of deaths each year is the equivalent of 10 jumbo jets crashing every day, and the toll is continuing to increase dramatically. At the current rate of growth, road crashes will be the fifth leading cause of death overall by the year 2030, and the first leading cause of death for children aged five and older by 2020, rivaling the top and often more well-known global health epidemics.

Road crashes do not discriminate by age, class, gender, race, or nationality. Nor do they respect the bounds of geography. In the United States alone the death toll is an estimated 44,000 people annually, and road crashes have become the leading cause of death among Hispanics under 34 years of age. Meanwhile, in some African countries, up to half of all hospital surgical beds are occupied by road crash victims, while in others the fatalities rank second only to HIV/AIDS.

Along with the unfathomable human cost of road crashes, there are also grave economic costs to individuals, families, and communities. It is estimated that road crashes cost $518 billion globally each year. In developing countries, road crashes have a dramatic impact on their fragile economies, costing an estimated $100 billion, and often exceeding the total amount received by these countries in development assistance. Furthermore, road crashes place a preventable strain on first responder services, health care services, and health insurance services, as many victims require extensive, and expensive, critical care, as well as follow-up care and rehabilitation. In countries where a primary bread-winner is killed or injured, or must care for the injured, this can destroy livelihoods and devastate communities.

The First Ministerial Conference on Road Safety in Moscow addressed each of these issues, as well as many other key components of the road safety epidemic, in an intensive two days of plenary sessions and panel discussions during which high level delegates from various nations and organizations shared experiences, ideas, and best practices.

I would like to commend the U.S. delegation, which included representation from the Department of State, the Department of Transportation, the Centers for Disease Control and Prevention, and other partner state and federal agencies, for its robust participation and high level representation throughout the Conference. As the first global forum for road safety, this conference was truly an historic event. I am pleased that the U.S. delegation took a strong leadership role in addressing U.S. road safety goals and objectives, as well as in working constructively with the Conference to establish new benchmarks for best practices and road traffic injury prevention, as announced in the Moscow Declaration.

The Moscow Declaration reinforces governmental leadership and guidance on road safety, sets regional casualty reduction targets, and offers a new framework for international cooperation on global road safety. It declares the decade 2011–2020 as the ''Decade of Action for Road Safety'' with the goal of stabilizing and reducing the forecast level of global road deaths. Finally, the Declaration encourages the U.N. General Assembly to assent to the goals and policies it proposes.

I would like to acknowledge the hard work of all those who helped make the First Ministerial Conference on Global Road Safety a success. I applaud the Russian Federation for taking the initiative of hosting this critical conference in Moscow. I would also like to congratulate the U.S. delegation and other participants from around the world for having demonstrated a promising commitment to the important goal of reducing road deaths on a global scale.

I and the rest of the Congressional Caucus on Global Road Safety look forward to maintaining a fruitful dialogue with the Russian Federation, other governments, the international NGO community and other organizations, with the aim of finding further ways to improve road safety, and I am hopeful that the Congress as a whole will continue to do so as well. Finally, I encourage the Obama Administration and the American delegation to continue their strong leadership in ensuring that

the casualty reduction targets and the road safety initiatives detailed in the Moscow Declaration are accomplished, both at home and abroad.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately earlier today I was unable to cast my votes on H.R. 3288, H. Con. Res. 199, H. Con. Res. 206, and H. Res. 940 and wish the record to reflect my intentions had I been able to vote.

Last night, as you are aware, there were no votes in the House of Representatives due to the White House Christmas Party. I took this opportunity to meet with some of my young constituents at the Farmhouse Fraternity on the campus of the University of Illinois at Urbana-Champaign to discuss agricultural issues and the implementation of the Farm Bill. Early this morning I boarded an airplane in Champaign, Illinois, and unfortunately due to weather, my plane was drastically delayed, I was unable to arrive in Washington, DC to cast my votes.

Had I been present on rollcall #931 on the Motion to Instruct Conferees on H.R. 3288, Making appropriations for the Departments of Transportation, HUD, and related agencies for FY 2010, I would have voted ''aye''. This vote would have blocked any attempt by the Majority from using H.R. 3288 as the vehicle for an Omnibus Appropriations bill and require that the language for this bill be posted online for 72 hours prior to any vote. Madam Speaker, omnibus appropriations bills that are hundreds of pages long and have not been fully vetted is no way to fund our government and I urge you to refrain from using this bill for those purposes.

Had I been present on rollcall #932 on suspending the rules and passing H. Con. Res. 199, Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States, I would have voted ''aye.''

Had I been present on rollcall #933 on suspending the rules and passing H. Con. Res. 206, Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, I would have voted ''aye.''

Had I been present on rollcall #934 on suspending the rules and passing H. Res. 940, Recognizing and honoring the National Guard on the occasion of its 373rd anniversary, I would have voted ''aye.''

CONGRESS IS TAKING THE WRONG APPROACH ON ESTATE TAX REFORM

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. MORAN of Kansas. Madam Speaker, farmers, ranchers, and other small businesses are the backbone of the Kansas economy. The ability to pass a business from one generation to the next is critical to a business's ongoing success. Rural America has enough trouble retaining a youthful workforce. The estate or ''death'' tax does not aid our efforts in promoting long term growth and curbing depopulation.

A major obstacle to the continuity of a business is the estate tax. I have long sought a permanent repeal of the estate tax. This tax comprises less than one percent of U.S. revenues, but poses a substantial impediment to the growth of family farms and small businesses. H.R. 4154, Permanent Estate Tax Relief for Families, Farmers, and Small Businesses Act of 2009, does not provide the necessary reforms. While the certainty provided by H.R. 4154 would be welcome, passage of this legislation reduced the chances to next to none that any significant changes will occur to estate taxes in the future. I have sponsored an alternative that, for a while, was expected to be brought to the House floor. While it does not do all that I would like; it is reasonable and continues to have the chance for broad bipartisan support.

While I will continue to look for ways to achieve a full repeal, I believe the next best alternative, given today's political and economic climate, is H.R. 3905, the Estate Tax Relief Act of 2009. H.R. 3905 will exempt, from the estate tax, estates worth $3.5 million in 2009, increase the exemption to $5 million by the year 2019, and index the exemption to inflation to allow it to automatically increase in the years following 2019. Enacting exemptions at these levels should prevent a majority of Kansas' small businesses from being affected by the tax. H.R. 3905 will also reduce the maximum tax rate, for estates in excess of the exemption, to 35 percent by the year 2019.

While I am encouraged to see the House's willingness to address this issue, I feel Congress has missed an opportunity. I could not support H.R. 4154 because I believe it did not sufficiently address the damaging consequences of the estate tax while limiting the chances that Congress will ultimately do so. It is apparent that the House is currently unwilling to consider a full repeal. Until Congress is ready for that discussion, I will continue to work for initiatives that alleviate financial pressure from our farmers, ranchers, and small business owners.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,086,172,114,368.23.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

That means the national debt has increased by $1,447,746,368,074.43 so far this year.

According to the nonpartisan Congressional Budget Office, the forecast deficit for this year is $1.6 trillion. That means that so far this year, we borrowed and spent an average $4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

SATELLITE HOME VIEWER REAUTHORIZATION ACT OF 2009

SPEECH OF

HON. FRANK KRATOVIL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 2, 2009

Mr. KRATOVIL. Madam Speaker, I rise in support of H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009. This legislation reauthorizes the satellite compulsory license for carriage of distant network satellite affiliate TV station signals. If this bill does not become law before the end of the year, the distant network carriage license will expire and satellite subscribers would be left in the dark.

While I support the underlying legislation, I would like to draw attention to a provision that I believe could undermine our efforts to ensure rural residents have access to local programming. By redefining an ''unserved household'' to include those served by multicast networks, this legislation allows satellite broadcasters to continue to import distant, out-of-market signals into short markets when they are no longer necessary. I request that a letter signed by 18 bipartisan Members of the House of Representatives expressing concern over this definition of ''unserved household,'' be inserted as an extraneous material.

WASHINGTON, DC,
December 2, 2009.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: We write today to express our concerns regarding the manner in which H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009, would diminish the availability of local programming available to satellite television subscribers.

Digital multicasting enables broadcasters to provide TV viewers with expanded options for free, local TV programming beyond the primary network affiliate channel. In pursuit of this promise, many broadcasters have already begun multicasting dedicated sports, ethnic, minority, weather, news, and hyperlocal channels.

In various markets, including ''short markets,'' i.e., television markets lacking a full complement of network affiliates, some stations have begun multicasting a local network affiliate other than the network affiliate carried on their primary channel. For example, television viewers in the Beaumont, TX market, which lacked a local NBC station, can now watch local NBC affiliate K–JAC as a multicast channel provided by a station that broadcasts the ABC affiliate

KBMT on its primary channel. It is important to note that this multicast channel, like numerous similar network affiliates that are broadcast on multicast channels across the country, is a full-fledged network station providing viewers with a full slate of a network's programming to the same geographic area as the station's other digital channel that broadcasts ABC programming. There is no rational public policy reason to treat the two network channels differently under copyright law.

Unfortunately, H.R. 3570, the Satellite Home Viewer Update and Reauthorization Act of 2009, enables DBS companies to impede and undermine multicast network affiliates. By re-defining a household capable of receiving a local network signal through the air as ''unserved'' if the signal is delivered via digital multicast technology, Sections 3(h)(1) and 3(h)(6) of H.R. 3570 together allow DBS companies to import distant network affiliates that duplicate the programming of the local, multicast network affiliate. This provision will not only undermine existing multicast stations, but it will also give local stations far less incentive to multicast an additional local network affiliate in the future if large numbers of potential viewers are already receiving an affiliate of that network through a DBS provider. Thus, these provisions may deprive viewers of locally-oriented programming by undermining existing multicast arrangements and removing the incentive for local stations to continue to offer or roll out new multicast network affiliated channels.

While H.R. 3570 only provides satellite companies this ability for 3 years following enactment, after the recent economic downturn, the next three years will be critical to the development of new, innovative, free, over-the-air digital network broadcast services, including networks that contain programming developed for ethnic minorities. Sections 3(h)(1) and 3(h)(6) of H.R. 3570 should be changed to ensure that DBS companies cannot import a distant network signal that duplicates a local network affiliated multicast station.

Additionally, as twelve members of the House Judiciary Committee stated in the additional views that were filed in the report language that accompanied H.R. 3570, ''the preference in section three of the bill may result in discouraging free over-the-air local broadcasters from affiliating with more than one network and developing a market-based solution to the 'missing network affiliate' problem. This would limit the number of free network programming options available to consumers and, in effect, require consumers to subscribe to pay television to receive network they might otherwise have been able to view for free.''

We appreciate your attention to this critically important issue. As you continue to work on the reauthorization of the Satellite Home Viewer Extension and Reauthorization Act during a House-Senate conference committee, we encourage you to support the approach to protecting multicast channels that was adopted by the Senate Judiciary Committee.

Sincerely,

Frank Kratovil; Roy Blunt; Tom Cole; Alan Mollohan; Rodney Alexander; Michael McMahon; Brett Guthrie; Bob Filner; Thomas Rooney; Nick J. Rahall; Christopher Lee; Gregory Meeks; Blaine Luetkemeyer; Raúl Grijalva; Shelley Capito; Sam Farr.

IN HONOR OF DECATUR TRADES & LABOR 50TH ANNIVERSARY

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. HARE. Madam Speaker, I rise to honor the Decatur Trades and Labor Assembly on the occasion of its 50th anniversary. For over 5 decades, this Council of affiliated unions has improved the lives of working families in Decatur, Illinois and the regions that surround it.

From day one, Decatur Trades and Labor made a positive impact on local residents. Its Council fought hard to organize the unorganized, giving more workers the opportunity to bargain collectively and access the American Dream. For those already under union contract, the Council was a fierce advocate for better wages, benefits, and working conditions. Each victory it achieved helped all workers, union or nonunion, affiliated or nonaffiliated. Decatur Trades and Labor recognized early on that a rising tide lifts all boats.

The great work of Decatur Trades and Labor went far beyond the union bargaining table. It worked with groups like the NAACP to achieve racial justice. It promoted blood drives for the American Red Cross and food drives for the hungry. It registered people to vote. And it encouraged members to give what they could to local charities.

Fifty years later, Decatur Trades and Labor remains a staple in the community. Everywhere you go, there are living testaments to the Council's great work. But it is a landmark downtown—the monument honoring fallen and injured workers—that sticks out most in my mind. Nearly every April, I travel to that monument for Workers Memorial Day. It is a towering reminder of our moral obligation to ensure workers return home safely to their families each and every night. We have Decatur Trades and Labor to thank for making it such a unique focal point of the city's downtown.

On this golden anniversary, I thank Decatur Trades and Labor for making the city it calls home a better place to live. I look forward to seeing what more it can accomplish in the next 50 years.

HONORING FREEMAN HRABOWSKI

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. HOYER. Madam Speaker, I rise to honor Freeman Hrabowski, President of the University of Maryland, Baltimore County, who has recently been honored as one of Time magazine's 10 Best College Presidents.

President Hrabowski's deep commitment to fostering talented students, especially in science and math, has helped increase UMBC's number of African-American science and engineering majors sevenfold. Today, UMBC is one of America's biggest producers of African-American science and engineering Ph.D.s. As a fellow college president put it, President Hrabowski ''has taught all of higher education that minority and low-income students . . . can meet the highest standards and excel.''

Those high standards are, importantly, a matter of national competitiveness—but they are also a measure of this nation's promise of equality. As a child in Alabama, Freeman Hrabowski remembers Martin Luther King, Jr. telling civil rights marchers: ''What you do this day will have an impact on generations as yet unborn.'' Today, at places like UMBC, that promise is coming true in the lives of the young men and women who are making the most of what those marchers won for them.

I join the members of the Maryland House delegation in thanking President Hrabowski for his commitment to his students and his extraordinary contribution to higher education. We congratulate him for this much-deserved recognition of his achievements.

RECOGNIZING AND HONORING THE NATIONAL GUARD ON ITS 373RD ANNIVERSARY

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 7, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 940 recognizing and honoring the National Guard on the occasion of its 373rd anniversary.

The security and freedom we enjoy in the United States of America is due in great part to the sacrifices made by the oldest component of the Armed Forces, the National Guard. From the Revolutionary War to the latest military operations in the Middle East, the Citizen-Soldiers of the National Guard have competently responded to the call of duty. In addition to serving overseas, these men and women make up the forces in the state divisions, such as the Texas National Guard, and have been key in serving the local community during natural disasters and civil emergencies.

As we reflect on the 68th anniversary of Pearl Harbor this week, it reminds us of the ultimate sacrifice members of the National Guard have bravely made, and will continue to make, for our country. I urge my colleagues to join me in supporting H. Res. 940 to recognize and honor the National Guard on the occasion of its 373rd anniversary.

HONORING THE 75TH ANNIVERSARY OF THE UNIVERSITY OF WISCONSIN ARBORETUM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. BALDWIN. Madam Speaker, I rise today to honor the 75th anniversary of the University of Wisconsin Arboretum, and to recognize the efforts of the community organization Friends of the Arboretum. Since June 17, 1934, Madison area citizens have worked with University of Wisconsin officials to develop and maintain an invaluable collection of restored ecosystems. Though thousands of committed people have contributed to the Arboretum in countless ways, one group in particular offers an ideal example of dedication to

the Arboretum's mission. The nonprofit organization Friends of the Arboretum has helped preserve this valuable ecological resource both by fundraising for the Arboretum and through volunteer work. Those efforts, and the work of many others, have made possible invaluable scientific research and unique community opportunities.

Of course, Madison's Arboretum may not have been possible without the initial commitment of 200 hardworking individuals from the Civilian Conservation Corps. During the Great Depression, the efforts of these young government workers produced a natural sanctuary free from encroaching development and biological contamination. Just a few years after its dedication, the Madison Arboretum became the site of several important ecological experiments on conservation and restoration. One historic study conducted on the Arboretum's Curtis Prairie helped establish the use of fire as an effective prairie restoration technique, a method now widely recognized. Those 60 acres of Curtis Prairie today comprise the oldest restored prairie land in the United States.

As University of Wisconsin scientists continue to develop and enhance methods of ecological restoration, the Arboretum remains an important resource in the research process. The Arboretum now contains several preserved forests, prairies, and other lands, spread over hundreds of acres, which make possible influential ecological studies. Since the Civilian Conservation Corps first began reintroducing native flora to the various ecosystems of the Arboretum, it has grown to house over 300 different species of plants. Though urbanization and the invasion of new plant types have provided new, modem challenges for this space, the commitment of university workers and community volunteers, such as those from Friends of the Arboretum, have kept the Arboretum strong. In addition to scientific research, Arboretum workers and volunteers facilitate a variety of community events, and offer unique educational opportunities in the field of ecology.

Today, Madison's University of Wisconsin Arboretum contains the single most comprehensive assortment of restored ecosystems and a highly dedicated group of supporters. I therefore honor the 75th anniversary of the University of Wisconsin Arboretum, and commend both Friends of the Arboretum and all other Arboretum volunteers. The sustained commitment of numerous community members has maintained and enhanced a truly priceless natural resource.

IN RECOGNITION OF CHEROKEE COUNTY HIGH SCHOOL WINNING THE ALABAMA 4A STATE FOOTBALL CHAMPIONSHIP

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the Cherokee County High School football team in Centre, Alabama, which recently won the 2009 Alabama 4A State Football Championship.

On Decemer 3, the Cherkoee County Warriors defeated Jackson High School by a score of 31–24 at Bryant-Denny Stadium in Tuscaloosa, Alabama. The Warriors finished the season with a record of 15–0, making them the only undefeated team in the state.

The Warriors are coached by Tripp Curry, and the school's principal is Doug Davis. I'd like to congratulate the football team, coaches and high school students and staff on this outstanding achievement. All of us across Cherokee County and East Alabama are deeply proud of these talented young Alabamians.

HONORING COLONEL JONATHAN FLAUGHER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. RADANOVICH. Madam Speaker, I rise today, along with my colleague JIM COSTA, to commend and congratulate COL Jonathan Flaugher upon being recognized as a ''Citizen Soldier'' by Fresno City College. Colonel Flaugher was recognized on Friday, November 6, 2009 at the annual Veterans Peace Memorial event held at Fresno City College in Fresno, California.

COL Jonathan Flaugher assumed command of the 144th Fighter Wing, California Air National Guard in Fresno, California in October 2004. He is a ''Command Pilot'' with over 4,000 hours of Air Force jet and fighter time, and is currently an F–16 Instructor Pilot. He graduated from North Carolina State University in 1977, with a bachelor of arts degree in History, and entered the United States Air Force through the ROTC program.

Colonel Flaugher was on active duty until 1995, and he has been with the 144th in Fresno ever since. Prior to his assignment as the 144th Wing Commander, Colonel Flaugher served as the Active Duty Advisor, 194th Squadron Flight Commander and Operations Officer, 144th Logistics Group Commander, 144th Maintenance Group Commander and 144th Operations Group Commander. He graduated from the United States Air Force Air War College in-residence program at Maxwell Air Force Base, Alabama in 1998. Previous assignments include a staff tour with HQ USAFE and flying assignments in the F–16 at Spangdahlem Air Base in Germany, the F–106 at Griffiss Air Force Base in New York. After pilot training at Williams Air Force Base in Arizona he was assigned to the T–33 at Tyndall Air Force Base in Florida. His first Air Force assignment was with the 726th Tactical Control Squadron base at Homestead Air Force Base in Florida.

Madam Speaker, Mr. COSTA and I rise today to commend and congratulate COL Jonathan Flaugher upon being recognized as a ''Citizen Soldier.'' I invite my colleagues to join us in wishing Colonel Flaugher many years of continued success.

IN APPRECIATION OF MILLBRAE MAYOR ROBERT GOTTSCHALK

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. SPEIER. Madam Speaker, every community should be so fortunate as to have a dynamic and committed public servant like Millbrae Mayor Robert Gottschalk.

Mayor Gottschalk is stepping down after eight years on the City Council, including two stints as Mayor. Bob's tenure on the council has been defined by his steady advocacy for the people of Millbrae, giving special emphasis to youth and senior programs, improving downtown and mitigating the impact of BART on Millbrae residents.

Mayor Gottschalk graduated from San Jose State University and went on to receive an M.B.A. in Finance from the University of California at Berkeley and a J.D. from UC Hastings College of the Law. He served our nation with distinction, retiring as a Captain from the U.S. Navy Reserves and worked for 21 years in banking before becoming an attorney.

Mayor Gottschalk represents Millbrae on the Association of Bay Area Governments, Peninsula Congestion Relief Alliance and the Joint Powers Authority for County Emergency Medical Response. He has also served as a member of the Millbrae Community Preservation Commission and was citizen advisor to the San Mateo County Transportation Authority.

Madam Speaker, I have worked closely with Mayor Gottschalk and my impression of him can be summed up as ''leadership with a velvet glove.'' Bob has always led with gentility and a sense of decorum and the simple fact is that Millbrae, California is a better place to live because of his work. I know of no better barometer for public service than that.

HONORING JERRY ''ICEMAN'' BUTLER ON THE OCCASION OF HIS 70TH BIRTHDAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. RUSH. Madam Speaker, I rise today to pay tribute to and honor a legendary singer and songwriter, Jerry ''Iceman'' Butler, on the occasion of his 70th birthday today. An award-winning performer, producer and composer, and one of the architects of Rhythm and Blues, Mr. Butler, has enjoyed a 51-year career that began at the young age of 18, when he and Curtis Mayfield formed a rhythm and blues group, The Impressions, in Chicago in 1958.

The same year, Butler wrote a song titled For Your Precious Love, which became ''the first of the Soul Music recordings'' and a ''landmark recording,'' according to Rolling Stone Magazine. The single, on Vee-Jay Records, became the first for The Impressions to ''go Gold.''

Mr. Butler, named ''The Iceman'' in 1959 by Philadelphia radio personality Georgie Woods for Butler's ''cool as ice'' delivery and debonair, effortless style has had numerous million selling recordings (''Gold'') during his career: For Your Precious Love (with The Impressions, Vee-Jay, 1958); He Will Break Your Heart (Vee-Jay, 1960); Moon River (Vee-Jay, 1961); Never Gonna Give You Up (Mercury, 1976); Hey Western Union Man (Vee-Jay, 1968); Brand New Me (Mercury, 1969); Only The Strong Survive (Mercury, 1969); and Ain't Understanding Mellow (Mercury, 1973).

Nominated for three Grammys for singing and composing, Butler is the recipient of numerous awards, including several from

ASCAP (American Society of Composers, Authors and Publishers) for his songwriting and publishing work; two Billboard Magazine Awards as a writer and artist; two Humanitarian Awards and several BMI (Broadcast Music Inc.) Awards as a writer and publisher. Butler was inducted into the Rock & Roll Hall of Fame in 1991 as ". . . one of the architects of Rhythm & Blues;" and was the recipient of a Rhythm & Blues Foundation "Pioneer Award" in 1994.

Madam Speaker, Mr. Butler, married for 50 years to Annette and the father of adult twin sons, is now using his considerable talent to serve the public as a member of the Cook County Board of Commissioners. First elected in 1986, Mr. Butler is currently the longest serving member of the Board. In his official capacity, he has led efforts to improve the quality of health services in the second most populous county in the United States, serving as Chair of the Board's Health and Hospitals Committee. Butler also serves as Commissioner and past President of the Northeastern (Illinois) Planning Commission, responsible for the planning and consultation for the six counties of Northeastern Illinois.

Madam Speaker, it is my great privilege and honor to my friend and colleague, The Honorable Jerry "Iceman" Butler on the occasion of his 70th birthday and I am privileged to enter these words into the CONGRESSIONAL RECORD of the House of Representatives.

TRIBUTE TO MR. SALVATORE F. (SAL) PERRY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. DAVIS of Illinois. Madam Speaker, I take this opportunity to congratulate Mr. Salvatore F. Perry on the occasion of his 70th birthday which was November 16, 2009 and to salute him for his many years of outstanding service as a businessman and civic mainstay in the Taylor Street area of Chicago, commonly known as Little Italy.

Madam, Speaker, Salvatore F. Perry was born on November 16, 1939 at Mother Cabrini Hospital in Chicago to Francis and Grace Perry, both of whom were born in Sicily Italy. Sal was educated at St. Phillip High School and graduated in 1957. When he was 9 years old, his father bought Perry's Bakery at 1052 West Taylor Street. Sal worked there all through high school. After graduation he worked at the South Water Market and later joined the Army and served 2 years at Fort Leonardwood, Missouri as a quartermaster. On November 12, 1962, Sal married Roseanne Raimondi Perry and they had two children, Cynthia and Salvatore.

In 1962, Sal opened Westside Foods at 1152 West Taylor Street and operated the store until 1990. In 1990, Sal opened Rosals Cucina and it continues to operate to this day. During this time Sal has won the Humanitarian Award from Holy Family Church and contributed to many charities in the form of food donations and volunteer work to improve the community in which he has lived and worked.

On several thanksgivings, working with Congressman DANNY K. DAVIS, he has donated dinners to seniors and the children at The Boys and Girls Club on Taylor and Racine. He helped to promote the rehabilitation of Holy Family Church by soliciting donations and other forms of marketing.

Madam Speaker, Sal retired in 2008, yet he continues to donate food and time to local charities. In his spare time, he enjoys fishing and spending time with his grandchildren.

Madam Speaker, Salvatore F. Perry is a true humanitarian who has contributed significantly to humanity and I take this opportunity to commend him for his great work.

IN APPRECIATION OF MILLBRAE CITY TREASURER MARY VELLA TRESELER

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. SPEIER. Madam Speaker, this evening the city of Millbrae, California will say thank you and farewell to a true public resource as City Treasurer Mary Vella Treseler retires from the post she has held for eight years.

Mary Vella Treseler was elected by the voters of Millbrae in 2001 and re-elected four years later. She brought thirty years of experience in the banking industry to her job and helped guide the city through the many challenges that local governments have had to deal with in recent years.

This City Treasurer, however, serves her community in many ways. She has donated her time and talents to the Constitution Bicentennial Planning Committee, Millbrae Beautification Commission and Public Access Television Committee. Ms. Treseler also took an active part as a member of the Mayor's Civic Coordinating Council and Millbrae's Smoking Ordinance and 50th Anniversary Committees. In addition, she represented Millbrae on the San Mateo County Sesquicentennial Committee and was President of Soroptimist International of Millbrae-San Bruno. As if that is not enough, Mary has somehow found the time to serve as President of the Millbrae Historical Society for the past eight years.

As should be expected, Mary is no stranger to civic honors. She was named "Millbrae Woman of the Year" in 1999 and is the recipient of the Millbrae Historical Society's "Living History Award."

Mary moved to Millbrae in 1977, where she and her husband, Joseph Amoroso, raised their children, Adonna and Joseph Raymond, in Millbrae schools. Sadly, Mary was widowed in 1985. Her response was to get more involved in her community, which began her quarter-century of service to Millbrae. In 1990, Mary married then-Mayor Robert Treseler and her involvement in local government increased. So, too, did her family as Mary embraced the addition of step-children Robert Jr, William, James and Catherine. Sadly, we lost Mayor Treseler two years ago.

Madam Speaker, this is a remarkable woman with boundless energy and a passionate interest in her community. On behalf of my colleagues in the United States House of Representatives, I want to thank City Treasurer Mary Vella Treseler for her longtime service to the people of Millbrae and to our nation.

COMMENDING AND CONGRATULATING THE HONORABLE ROBERT WEXLER

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. MCMAHON. Madam Speaker, I rise with a mix of sorrow and optimism as we wish farewell to Congressman ROBERT WEXLER, a true friend, fellow New Yorker—by birth—and leader on the House Foreign Affairs Committee as he moves ahead in the next stage of his successful career. Congressman WEXLER leaves behind a great legacy as one of the first legislators to truly harness the great potential of a U.S.-Turkey partnership. This legacy is illustrated time and again through the warm reception Congressman WEXLER receives from even the most skeptical audiences in Turkey, Israel and the Middle East. His example reminds us all of the power of diplomacy and American values.

As an outspoken advocate for increased dialogue between the United States and Turkey, he has created an environment of increased stability, security and friendship for all people in not only the United States and Turkey, but throughout the Middle East. Turkey is a strong partner with the U.S. in combating terrorism, particularly in Iraq and Afghanistan. Turkey also is on the verge of a successful rapprochement with Armenia. Additionally, Turkey is actively engaged in facilitating multilateral negotiations that often complement U.S. foreign policy on delicate post-conflict matters, greater economic and trade cooperation and of course, global energy needs.

As a founding co-chair of the Turkish Caucus and the Chairman of the Europe subcommittee, Congressman WEXLER has played a key role in all of these achievements. Most recently, his work to facilitate greater communication between legislators in the U.S. and Turkey culminated in last month's announcement that the Congressional Turkish Caucus hit a record number of 104 Caucus members since its inception in 2001.

Though the departure of Congressman WEXLER is saddening and no doubt a huge loss to the Turkish-American community and the U.S. House of Representatives, I am encouraged that in his new position as president of the Center for Middle East Peace and Economic Cooperation he will continue to bestow his vision of greater peace and understanding upon legislators and world leaders alike.

I would like to thank Congressman WEXLER for his great service to this country and look forward to continuing to work with him to develop a long-lasting diplomatic relationship with our allies in Europe and the Middle East.

IN APPRECIATION OF REDWOOD CITY COUNCILWOMAN DIANE HOWARD

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. SPEIER. Madam Speaker, in an era of increased animosity in public life, Redwood City Councilwoman Diane Howard has been a

breath of fresh air. Fans of good government and humble leadership are sorry to see her retire after fifteen years serving the people of Redwood City.

Diane was born in Rockville Center, New York, the first of eight children. In 1981, after graduating from nursing school, she and husband Steve moved west. Upon arriving in Redwood City, Diane jumped into her community, serving on the Housing and Human Concerns Committee, Parks and Recreation Commission and Child Care Advisory Committee. She has also been active on the Economic Development Committee of the Redwood City Chamber of Commerce, the San Mateo County Medical Auxiliary Board, and the Redwood City Housing Advisory Board. Her work with the Redwood Shores Neighborhood Association led to the financing and development of schools, fire stations and a community center.

Diane was elected to the City Council in 1994 and was re-elected three times. Passionate about the issues of concern to her, Councilwoman Howard is nonetheless known for her kindness, warmth and positive attitude. Even those of opposing views will attest that Diane brought a new tone of civility to the City Council and its meetings. She is known for her patient willingness to listen to all points of view and has advocated for increased cooperation between City Hall, local businesses and community groups.

Madam Speaker, I have worked closely with Councilwoman Howard over the years and enjoyed every minute of our interactions. I wish there were more people in public life like her. On behalf of my colleagues in the United States House of Representatives, I thank Diane for her service. I also wish to thank her husband, Steve, and son, Geoffrey, for sharing this remarkable woman with the greater community.

TRIBUTE TO MS. FLORENCE LOGAN ON THE OCCASION OF HER 100TH BIRTHDAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise to express congratulations to Ms. Florence Logan of Hillside, Illinois on the occasion of her 100th birthday which took place on October 27, 2009.

Ms. Logan is one of rare individuals who have not only lived a long life, but have lived a long and productive life. She has been a bright shining star whose life has been a beacon of hope. She has been active in politics for many years. She worked as an Election Judge, volunteer, ran a family store in the Garfield Park Community before moving to Hillside. She and her husband were married for 72 years and represented the true essence of family. She and her husband have five children, twelve grandchildren, and fifteen great-grandchildren.

Madam Speaker, it is a great honor for me to offer this tribute to Ms. Logan, congratulate her on her accomplishments and wish her well as she continues a very productive life.

IN APPRECIATION OF REDWOOD CITY COUNCILMAN JIM HARTNETT

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 8, 2009

Ms. SPEIER. Madam Speaker, Redwood City, California said good-bye to one of its most effective leaders when Councilman Jim Hartnett retired from public service this month.

Jim Hartnett is a story of ''local boy makes good.'' Raised in Redwood City, he attended Mount Carmel School, Sequoia High School and Cañada College. The son of a long-time captain in the San Mateo County Sheriff's Office, Jim grew up well-versed in local issues and with a passion for public service. He, too, is passing on this tradition to his sons, Josh and Jake, and daughters, Julia and Lydia, all of whom have grown up in the city that Jim loves so much.

Anyone who has attended a Council meeting in Redwood City over the past fifteen years has witnessed Councilman Hartnett's intellect and ability to explain dry, complex issues in accessible language that everyone can understand. Equally important to thinking clearly is a public official's willingness to take the lead on contentious issues. Councilman Hartnett was never timid about speaking his mind and his constituents always knew where he stood. I have had the privilege of working with Jim on numerous thorny topics over the years and found him to be, not only quick to grasp the issues, but equally effective at developing solutions. His leadership will be sorely missed.

Prior to being elected to the City Council, Jim served on the city's Planning Commission and Charter Review Committee. He has also served as chair of the Housing and Human Concerns Committee and the San Mateo County Business Development Commission and was President of the Redwood City Chamber of Commerce.

Madam Speaker, Mr. Hartnett has given much to the community where he was raised. He has dedicated decades of his life to improving Redwood City and San Mateo County and for that, deserves our thanks. While he is retiring from office, I know that Jim Hartnett will not wander far. He will certainly continue his involvement with Redwood City Little League and other youth activities and will very likely be pressed into service in other ways by his wife, current Redwood City Mayor Rosanne Foust.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12647–S12742

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 2846–2851, and S. Res. 372. **Page S12708**

Measures Considered:

Service Members Home Ownership Tax Act—Agreement: Senate continued consideration of H.R. 3590, to amend the Internal Revenue Code of 1986 to modify the first-time homebuyers credit in the case of members of the Armed Forces and certain other Federal employees, taking action on the following amendments proposed thereto: **Pages S12648–99**

Rejected:

Nelson (NE) Amendment No. 2962 (to Amendment No. 2786), to prohibit the use of Federal funds for abortions. (By 54 yeas to 45 nays (Vote No. 369), Senate tabled the amendment.) **Pages S12648, S12659–64, S12669–83**

Withdrawn:

By 42 yeas to 57 nays (Vote No. 370), McCain motion to commit the bill to the Committee on Finance, with instructions. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, the amendment be withdrawn.) **Page S12684**

Pending:

Reid Amendment No. 2786, in the nature of a substitute. **Page S12648**

Dorgan Modified Amendment No. 2793 (to Amendment No. 2786), to provide for the importation of prescription drugs. **Pages S12685–88**

Crapo motion to commit the bill to the Committee on Finance, with instructions. **Page S12685**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Wednesday, December 9, 2009, and that following any remarks of the Chair and Ranking Member of the Committee on Finance, or their designees, for up to 10 minutes each, the next two hours be for debate only, with the time equally divided and controlled between the two Leaders or their designees, with Senators permitted to speak for up to 10 minutes each; the Republicans controlling the first 30 minutes, and the Majority controlling the second 30 minutes; with the remaining time equally divided and used in alternating fashion; provided further, that no amendments are in order during this time. **Page S12742**

Nominations Received: Senate received the following nominations:

Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration.

1 Air Force nomination in the rank of general.

1 Army nomination in the rank of general. **Page S12742**

Messages from the House: **Page S12705**

Measures Referred: **Page S12705**

Measures Placed on the Calendar: **Page S12705**

Executive Communications: **Pages S12705–06**

Executive Reports of Committees: **Pages S12706–08**

Additional Cosponsors: **Pages S12708–10**

Statements on Introduced Bills/Resolutions: **Pages S12710–13**

Additional Statements: **Pages S12704–05**

Amendments Submitted: **Pages S12713–42**

Authorities for Committees to Meet: **Page S12742**

Record Votes: Two record votes were taken today. (Total—370) **Pages S12683–84**

Adjournment: Senate convened at 10 a.m. and adjourned at 8:38 p.m., until 9:30 a.m. on Wednesday, December 9, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on Page S12742.)

Committee Meetings

(Committees not listed did not meet)

AFGHANISTAN

Committee on Armed Services: Committee concluded a hearing to examine Afghanistan, after receiving testimony from Karl W. Eikenberry, United States Ambassador to Afghanistan, Department of State; and General Stanley A. McChrystal, USA, Commander, International Security Assistance Force, Commander, United States Forces Afghanistan, Department of Defense.

ENERGY BILLS

Committee on Energy and Natural Resources: Subcommittee on Energy concluded a hearing to examine H.R. 957, to authorize higher education curriculum development and graduate training in advanced energy and green building technologies, H.R. 2729, to authorize the designation of National Environmental Research Parks by the Secretary of Energy, H.R. 3165, to provide for a program of wind energy research, development, and demonstration, H.R. 3246, to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy, H.R. 3585, to guide and provide for United States research, development, and demonstration of solar energy technologies, S. 737, to amend the Energy Independence and Security Act of 2007 to authorize the Secretary of Energy to conduct research, development, and demonstration to make biofuels more compatible with small nonroad engines, S. 1617, to require the Secretary of Commerce to establish a program for the award of grants to States to establish revolving loan funds for small and medium-sized manufacturers to improve energy efficiency and produce clean energy technology, S. 2744, to amend the Energy Policy Act of 2005 to expand the authority for awarding technology prizes by the Secretary of Energy to include a financial award for separation of carbon dioxide from dilute sources, and S. 2773, to require the Secretary of Energy to carry out a program to support the research, demonstration, and development of commercial applications for offshore wind energy, after receiving testimony from Kristina M. Johnson, Under Secretary of Energy.

FEDERAL DRINKING WATER PROGRAMS

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine Federal drinking water programs, after receiving testimony from Peter S. Silva, Assistant Administrator for Water, and Cynthia J. Giles, Assistant Administrator for Enforcement and Compliance Assurance, both of the Environmental Protection Agency; Matthew C. Larsen, Associate Director for Water, U.S. Geological Survey, Department of the Interior; Jerome A. Paulson, American Academy of Pediatrics, Washington, D.C.; Michael G. Baker, Association of State Drinking Water Administrators, Arlington, Virginia; Gene Whatley, Oklahoma Rural Water Association, Inc., Oklahoma City; and Jeffrey K. Griffiths, Tufts University School of Medicine, Boston, Massachusetts.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported the nominations of Rajiv J. Shah, of Washington, to be Administrator of the United States Agency for International Development, and Mary Burce Warlick, of Virginia, to be Ambassador to the Republic of Serbia, James B. Warlick, Jr., of Virginia, to be Ambassador to the Republic of Bulgaria, Eleni Tsakopoulos Kounalakis, of California, to be Ambassador to the Republic of Hungary, Leslie V. Rowe, of Washington, to be Ambassador to the Republic of Mozambique, Alberto M. Fernandez, of Virginia, to be Ambassador to the Republic of Equatorial Guinea, Mary Jo Wills, of the District of Columbia, to be Ambassador to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador to the Republic of Seychelles, Jide J. Zeitlin, of New York, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, and to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, Anne Slaughter Andrew, of Indiana, to be Ambassador to the Republic of Costa Rica, David Daniel Nelson, of Minnesota, to be Ambassador to the Oriental Republic of Uruguay, Betty E. King, of New York, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador, Laura E. Kennedy, of New York, for the rank of Ambassador during her tenure of service as U.S. Representative to the Conference on Disarmament, Eileen Chamberlain Donahoe, for the rank of Ambassador during her tenure of service as the United States Representative to the UN Human Rights Council, all of the Department of State, and routine lists in the Foreign Service.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 30 public bills, H.R. 4217–4246; and 9 resolutions, H. Con. Res. 218–219; and H. Res. 950–954, 957–958 were introduced. **Pages H13627–28**

Additional Cosponsors: **Pages H13628–29**

Reports Filed: Reports were filed today as follows:

H.R. 1319, to prevent the inadvertent disclosure of information on a computer through the use of certain "peer-to-peer" file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer, with amendments (H. Rept. 111–361);

H.R. 2221, to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach, with amendments (H. Rept. 111–362);

H.R. 512, to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns, with an amendment (H. Rept. 111–363);

H. Res. 955, providing for consideration of the bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions (H. Rept. 111–364); and

H. Res. 956, providing for consideration of the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, and to regulate the over-the-counter derivatives markets (H. Rept. 111–365); and **Page H13627**

Conference Report on 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 (H. Rept. 111–366).

See Book II

Speaker: Read a letter from the Speaker wherein she appointed Representative Speier to act as Speaker Pro Tempore for today. **Page H13551**

Recess: The House recessed at 9:17 a.m. and reconvened at 10 a.m. **Page H13553**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Richard Hynes, Office of Evangelism, Archdiocese of Chicago, Chicago, Illinois. **Page H13553**

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010—Motion to go to Conference: The House agreed to the Olver motion to disagree to the Senate amendment and agree to a conference on 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. **Pages H13556–57, H13570**

Agreed to the Latham motion to instruct conferees on the bill by a yea-and-nay vote of 212 yeas to 193 nays, Roll No. 931. **Pages H13556–57, H13570**

The Chair appointed the following conferees: Representatives Olver, Pastor (AZ), Kaptur, Price (NC), Roybal-Allard, Berry, Kilpatrick (MI), Lowey, Obey, Latham, Wolf, Tiahrt, Wamp, and Lewis (CA). **Page H13573**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Directing the President to transmit to Congress a report on anti-American incitement to violence in the Middle East: H.R. 2278, amended, to direct the President to transmit to Congress a report on anti-American incitement to violence in the Middle East, by a ⅔ yea-and-nay vote of 395 yeas to 3 nays with 9 voting "present", Roll No. 936; **Pages H13558–60, H13598–99**

Western Hemisphere Drug Policy Commission Act of 2009: H.R. 2134, amended, to establish the Western Hemisphere Drug Policy Commission; **Pages H13560–63**

Encouraging the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press: H. Res. 915, to encourage the Republic of Hungary to respect the rule of law, treat foreign investors fairly, and promote a free and independent press, by a ⅔ yea-and-nay vote of 333 yeas to 74 nays with 3 voting "present", Roll No. 937; **Pages H13563–67, H13599**

Expressing the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides: H. Con. Res. 213, amended, to express the sense of Congress for and solidarity with the people of El Salvador as they persevere through the aftermath of torrential rains which caused devastating flooding and deadly mudslides; **Pages H13567–68**

Expressing sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009: H. Con. Res. 218, to express sympathy for the 57 civilians who were killed in the southern Philippines on November 23, 2009;

Pages H13568–70

FBI Families of Fallen Heroes Act: H.R. 2711, amended, to amend title 5, United States Code, to provide for the transportation of the dependents, remains, and effects of certain Federal employees who die while performing official duties or as a result of the performance of official duties; **Pages H13576–78**

Recognizing the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York: H. Res. 907, to recognize the Grand Concourse on its 100th anniversary as the preeminent thoroughfare in the borough of the Bronx and an important nexus of commerce and culture for the City of New York, by a ⅔ yea-and-nay vote of 405 yeas with none voting "nay", Roll No. 938;

Pages H13578–79, H13599–H13600

Extending through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits: H.R. 4165, to extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits;

Pages H13579–81

Amending the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California: H.R. 1854, to amend the Water Resources Development Act of 1992 to modify an environmental infrastructure project for Big Bear Lake, California; **Pages H13581–82**

Authorizing the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland: H.R. 3224, to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland; **Page H13582**

Data Accountability and Trust Act: H.R. 2221, amended, to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; **Pages H13586–91**

Agreed to amend the title so as to read: "To protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach.". **Page H13591**

Informed P2P User Act: H.R. 1319, amended, to prevent the inadvertent disclosure of information on a computer through the use of certain "peer-to-peer" file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; **Pages H13591–94**

Agreed to amend the title so as to read: "To prevent the inadvertent disclosure of information on a computer through the use of certain "peer-to-peer" file sharing programs without first providing notice and obtaining consent from an owner or authorized user of the computer.". **Page H13594**

Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II: H.R. 4217, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend authorizations for the airport improvement program; and **Pages H13594–96**

No Social Security Benefits for Prisoners Act of 2009: H.R. 4218, to amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators. **Pages H13596–97**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measures which were debated on Monday, December 7th:

Recognizing the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States: H. Con. Res. 199, amended, to recognize the 10th Anniversary of the activation of Echo Company of the 100th Battalion of the 442d Infantry, and the sacrifice of the soldiers and families in support of the United States, by a ⅔ yea-and-nay vote of 400 yeas with none voting "nay", Roll No. 932;

Pages H13570–71

Agreed to amend the title so as to read: "Recognizing the 10th Anniversary of the redesignation of Company E, 100th Battalion, 442d Infantry Regiment of the United States Army and the sacrifice of the soldiers of Company E and their families in support of the United States.". **Page H13571**

Commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States:

H. Con. Res. 206, amended, to commend the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and to recognize the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation, by a ⅔ yea-and-nay vote of 404 yeas with none voting "nay", Roll No. 933; **Pages H13571–72**

Recognizing and honoring the National Guard on the occasion of its 373rd anniversary: H. Res. 940, to recognize and honor the National Guard on the occasion of its 373rd anniversary, by a ⅔ yea-and-nay vote of 401 yeas with none voting "nay", Roll No. 934; and **Pages H13572–73**

Recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month: H. Res. 845, amended, to recognize the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month, by a ⅔ yea-and-nay vote of 409 yeas with none voting "nay", Roll No. 935. **Pages H13597–98**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

Roy Rondeno, Sr. Post Office Building Designation Act: H.R. 3951, to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondeno, Sr. Post Office Building"; **Pages H13573–74**

Ann Marie Blute Post Office Designation Act: H.R. 4017, to designate the facility of the United States Postal Service located at 43 Maple Avenue in Shrewsbury, Massachusetts, as the "Ann Marie Blute Post Office"; **Pages H13574–76**

Expressing the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research: H. Res. 35, to express the sense of the House of Representatives that Congress should provide increased Federal funding for continued type 1 diabetes research; and **Pages H13582–84**

Expressing support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder: H. Res. 55, to express support for the designation of a National Prader-Willi Syndrome Awareness Month to raise awareness of and promote research into this challenging disorder. **Pages H13584–86**

Quorum Calls—Votes: Eight yea-and-nay votes developed during the proceedings of today and appear on pages H13570, H13571, H13571–72, H13572–73, H13597–98, H13598, H13599 and H13599–H13600. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:24 p.m.

Committee Meetings

AFGHANISTAN STRATEGIC REVIEW

Committee on Armed Services: Continued hearings on Afghanistan: The Results of the Strategic Review, Part II. Testimony was heard from GEN Stanley McChrystal, USA, Commander, International Security Assistance Force (ISAF), and Commander, U.S. Forces Afghanistan (USFOR—A), Department of Defense; and Ambassador Karl W. Eikenberry, U.S. Ambassador to Afghanistan, Department of State.

U.S. EDUCATION STANDARDS

Committee on Education and Labor: Held a hearing on Improving Our Competitiveness: Common Core Education Standards. Testimony was heard from Bill Ritter, Jr., Governor, State of Colorado; and public witnesses.

PRESCRIPTION DRUG PRICE INFLATION

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Prescription Drug Price Inflation: Are Prices Rising Too Fast?" Testimony was heard from public witnesses.

PRIVATE/GOVERNMENT FORECLOSURE CRISIS RESPONSE

Committee on Financial Services: Held a hearing entitled "The Private Sector and Government Response to the Mortgage Foreclosure Crisis." Testimony was heard from the following officials of the Department of the Treasury: Herbert M. Allison, Jr., Assistant Secretary, Financial Stability; and Douglas W. Roeder, Senior Deputy Comptroller Large Bank Supervision, Office of the Comptroller of the Currency; Michael H. Krimminger, Special Advisor, Policy, Office of the Chairman, FDIC; and public witnesses.

JUDGE PORTEOUS IMPEACHMENT

Committee on the Judiciary: Task Force on Judicial Impeachment continued possible Impeachment of United States District Judge G. Thomas Porteous, Jr., Part II. Testimony was heard from DeWayne Horner, Special Agent, FBI, New Orleans, Louisiana, Department of Justice; Alan Baron, Special Impeachment Counsel, Committee on the Judiciary; and public witnesses.

Will continue December 10.

DEATH PENALTY APPEALS—HABEAS CORPUS LIMITATIONS

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held a hearing on the Impact of Federal Habeas Corpus Limitations on Death Penalty Appeals. Testimony was heard from Michael E. O'Hare, Supervisory Assistant State's Attorney, Civil Litigation Bureau, Office of the Chief State's Attorney, State of Connecticut; Gerald Kogan, Chief Justice (ret.), Supreme Court, State of Florida; and public witnesses.

TAX EXTENDERS ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a closed rule. The rule provides one hour of general debate on H.R. 4213, the Tax Extenders Act of 2009, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against the bill. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard by Representatives Neal, Brady (TX), and Cao.

THE WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

Committee on Rules: Granted, by a non-record vote, a rule. The rule provides three hours of general debate on H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, with two hours to be equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services, 30 minutes to be equally divided and controlled by the chair and ranking minority member of the Committee on Agriculture, and 30 minutes to be equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.

The rule provides that the amendment printed in the report of the Committee on Rules shall be considered as adopted in the House and in the Committee of the Whole. The rule provides that the Committee of the Whole shall rise without motion after general debate and that no further consideration of the bill shall occur except pursuant to a subsequent order of the House. The rule also provides that the Chair of the Committee of the Whole may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. Testimony was heard by Chairman Frank (MA), and Representatives Rush, and Bachus.

PUBLIC TRANSIT SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Public Transit Safety: Examining the Federal Role. Testimony was heard from the following officials of the Department of Transportation: Ray LaHood, Secretary; and Peter Rogoff, Administrator, Federal Transit Administration; Katherine A. Siggerud, Managing Director, Physical Infrastructure, GAO; Robert J. Chipkevich, Director, Office of Railroad, Pipeline, and Hazardous Materials Investigations, National Transportation Safety Board; Richard W. Clark, Director, Consumer Protection and Safety Division, Public Utilities Commission, State of California; and a public witness.

BRIEFING—NSA UPDATE

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on NSA Update. The Committee was briefed by departmental witnesses.

Joint Meetings

DEPARTMENTS OF TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of 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.

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 9, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy, to hold hearings to examine creating jobs in the recession, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine research parks and job creation, focusing on innovation through cooperation, 2:30 p.m., SR–253.

Committee on Finance: Subcommittee on International Trade, Customs, and Global Competitiveness, to hold hearings to examine exports' place on the path of economic recovery, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine the new Afghanistan strategy, focusing on the view from the ground, 10 a.m., SD–419.

Full Committee, to receive a briefing on Afghanistan, focusing on a report from the field, 1 p.m., SVC–217.

Subcommittee on European Affairs, to hold hearings to examine strengthening the transatlantic economy, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine five years after the Intelligence Reform and Terrorism Prevention Act, focusing on stopping terrorist travel, 9:30 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the diplomat's shield, focusing on diplomatic security today, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold hearings to examine S. 1690, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation; to be immediately followed by an oversight hearing to examine Department of the Interior backlogs, 9:15 a.m., SD–628.

Committee on the Judiciary: to hold an oversight hearing to examine the Department of Homeland Security, 10 a.m., SH–216.

Full Committee, to hold hearings to examine mortgage fraud, securities fraud, and the financial meltdown, focusing on prosecuting those responsible, 2 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the nominations of Robert A. Petzel, of Minnesota, to be Under Secretary for Health, and Raul Perea-Henze, of New York, to be Assistant Secretary for Policy and Planning, both of the Department of Veterans Affairs, 9:30 a.m., SR–418.

House

Committee on Agriculture, Subcommittee on Conservation, Credit, Energy, and Research, hearing to review the regulatory and legislative strategies in the Chesapeake Bay watershed, 10 a.m., 1300 Longworth.

Committee on the Budget, hearing on The Social Safety Net: Impact of the Recession and of the Recovery Act, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, to mark up H.R. 390, College Football Playoff Act of 2009, 10 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''Additional Reforms to the Securities Investor Protection Act,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation, and Trade, hearing on A Strategic and Economic Review of Aerospace Exports, 2 p.m., 2200 Rayburn.

Subcommittee on the Western Hemisphere, hearing on New Direction or Old Path? Caribbean Basin Security Initiative (CBSI), 2 p.m., 2172 Rayburn.

Committee on Homeland Security, to consider the following: H. Res. 922, Directing the Secretary of Homeland Security to transmit to the House of Representatives all information in the possession of the Department of Homeland Security relating to the Department's planning, information sharing, and coordination with any state of locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009; Committee Resolution 3. Authorizing the issuance of a subpoena ad testificandum, for Mr. Tareq Salahi; and Committee Resolution 4, authorizing the issuance of a subpoena ad testificandum for Mrs. Michaele Salahi, 2 p.m., 311 Cannon.

Committee on the Judiciary, markup the following legislation: H. Res. 920, Directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession regarding certain matters pertaining to detainees held at Naval Station, Guantanamo Bay, Cuba who are transferred into the United States; H.R. 3190, Discount Pricing Consumer Protection Act of 2009; and H.R. 569, Equal Justice for Our Military Act of 2009, 10 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Government Management, Organization and Procurement, hearing entitled ''Protecting Intellectual Property Rights in a Global Economy: Current Trends and Future Challenges,'' 10 a.m., 2247 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing entitled ''U.S. Aid to Pakistan: Planning and Accountability,'' 10 a.m., 2154 Rayburn.

Committee on Rules, to continue consideration of H.R. 4173, Wall Street Reform and Consumer Protection Act of 3009. 3 p.m., H–313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, hearing on Maritime Domain Awareness, 2 p.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on the One Year Anniversary of the Tennessee Valley Authority's Kingston Ash Slide: Evaluating Current Cleanup Progress and Assessing Future Environmental Goals, 10 a.m., 2167 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Afghanistan/Pakistan Update, 11 a.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 9

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 3590, Service Members Home Ownership Tax Act, with roll call votes possible throughout the day.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, December 9

House Chamber

Program for Wednesday: Consideration of H.R. 4213—Tax Extenders Act of 2009 (Subject to a Rule). Begin Consideration of H.R. 4173—Wall Street Reform and Consumer Protection Act (Subject to a Rule).

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