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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 15, 2009.

I hereby appoint the Honorable HENRY CUELLAR 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.

DECISION TO PROSECUTE GUANTANAMO BAY TERRORISTS IN NEW YORK CITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Mr. Speaker, I previously came to the well of the House to voice my disappointment in the then recently announced decision to prosecute certain Gitmo detainees, Gitmo terrorists, in New York City.

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".

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

I return today, Mr. Speaker, to reiterate my concern and disappointment about this ill-advised decision, which, in my opinion, will cause our prosecutorial ship of state to sail directly into the tide of procedural reefs, rocks and shoals. When ships steam near reefs, rocks and shoals, collisions and/or groundings become imminent, if not inevitable.

The commanding officer of this ship, President Obama, and his executive officer for this issue, the Attorney General, should bring this ship about, terminate the course now pursued and formulate a better course that will serve good purposes. The present decision, in my opinion, serves no good purpose and is seriously flawed.

My disappointment regarding this matter, Mr. Speaker, is shared by thousands and thousands of New Yorkers specifically and Americans generally. New Yorkers should not be forced to endure 9/11 yet again.

What about the costs that will be inevitably incurred to conduct these prosecutions? Thousands upon thousands of dollars will be spent, thousands upon thousands of dollars we simply do not have.

Mr. Speaker, furthermore, many of us fear that the decision to prosecute in New York City has the trappings of converting the courtroom into a three-ring circus to the detriment of America, public relations-wise. I have earnestly tried to detect something positive about this decision, and I have come up empty time and time again.

I fear President Obama and Attorney General Holder are so rigidly inflexible in defending their decision. This aside, I respectfully urge them to reconsider and reexamine the decision, hopefully reject it and subsequently embrace a policy that is more sound and that will attract more support from the American people.

This is a terrible decision, Mr. Speaker, and I hope it can be rectified.

GLOBAL WARMING

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

Mr. BLUMENAUER. Mr. Speaker, this morning, listeners to NPR Marketplace heard the insurance industry dealing with the problems of global warming. Extreme weather events, actually, is why they were concerned. That term global warming actually means drought, flood, heat waves, intense storms, breaking seasonal patterns. In my region of the Pacific northwest, it means long, slow trends, like the increase in spring temperatures over the last 70 years, that lead to a significant decline in the snow pack that we rely upon for drinking water and hydropower.

As our congressional delegation heads to Copenhagen this week to join with parliamentarians from around the world, we will be able to be involved with a critical discussion on how we are going to meet those challenges. Our delegation is going to be somewhat unique because, while other groups of parliamentarians in other countries are of different parties and disagree on the best solution to deal with climate change and extreme weather events, ours, with the possible exception of Saudi Arabia, will be the only one where there are some people who actually question the science and the need for action.

This is unfortunate, because the facts are clear. Even regarding the recent dust up over stolen e-mails of some of the climate scientists, it doesn't change the scientific consensus that we are involved in a period of significant global warming and that human activity is the cause. Despite some dispute over whether this year is the fourth, fifth or sixth warmest in history, there is no question but that the current decade will be the hottest since we began recording temperatures.

Even with the consensus on science, there still is a great deal of real controversy in Copenhagen about how we are going to move forward.

I think it's very important for us to highlight the encouraging dynamic that is taking shape, because there is a consensus for taking action. The question is in implementation both of speed and scale.

There is good news that the United States is no longer missing in action. As the world's largest economy, the second largest emitter this year and still the leader in the history of the world in total emissions, it's important that the United States finally joins with the rest of the developed world to deal with this question. It is encouraging that the Obama administration and the new Congress has been acting from the very beginning of this session of Congress with an $80 billion investment in clean energy.

After years of delay, the Obama administration acted on what we passed in the last Congress to increase the long overdue improvement in automobile fuel efficiency. The EPA has finally announced that it is going to follow the law dealing with carbon pollution, as the Bush administration was directed by the Supreme Court but refused to do.

We have had the historic passage of the Waxman-Markey legislation, for the first time in history putting Congress on record supporting comprehension climate legislation. The administration will use the House bill as the basis for targeted reductions in greenhouse gases. We have emerging in the Senate a bipartisan framework with Senator KERRY, Senator LIEBERMAN and Senator GRAHAM providing the leadership in that area.

It's exciting to see the pieces come together, Mr. Speaker. It is frustrating to see it slow, and time is of the essence, but finally it's clear that action is in everybody's interest. The United States can no longer afford to waste more energy than anybody in the world. It's exciting to see the European Union, China and India all acting, at least in their own way, moving in this direction. The dominos are falling for new, clean, energy economies, managing forests to protect the planet and new sustainable agriculture.

All this will happen. The question is when. I am encouraged that in Copenhagen there is a process that the United States can help move us forward.

TIME FOR A NEW APPROACH TO RESTORE OUR ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, it is time for a new approach to bring our country back to where it was for most of the two centuries, the land of hope and opportunity.

Unfortunately, there is a growing fear about our Nation's future among many in my congressional district, as well as throughout the Nation. The economic recession continues, according to many constituents with whom I speak every day.

My constituents tell me how they have personally felt the constant drumbeat of rising unemployment, the ballooning cost of college tuitions, the reality of postponing retirement and the continuing credit implosion that has hurt so many homeowners and small businesses. No doubt our Nation continues to struggle and people need help.

But the congressional majority and the administration have spent the last year on an agenda that grows big government, that escalates the deficit, that borrows billions from adversarial foreign governments. As a result of this unprecedented government spending spree, our national debt will reach unchartered levels, doubling over the next 5 years and tripling in just 10 years.

Not surprisingly, as our debt doubles and revenues plunge, creating jobs has taken a back seat to other issues. The $800 billion stimulus bill has failed to create or save the millions of jobs that it promised. Since it was passed, in fact, we have actually lost 3.3 million jobs while the unemployment rate remains at 10 percent nationally, and in my home State of Florida it has now reached 11 percent. The question now is can we still grow our economy, create jobs and help struggling families without further mortgaging our children's future.

First, we should agree to block any Federal tax increases until unemployment drops below 5 percent. Americans of all political persuasions can agree that the government should never raise taxes during periods of high unemployment.

Second, we need to restore confidence in America's economic future. Record

deficits and debt, combined with runaway spending, have shaken our confidence in our economic future. One proposal is to freeze domestic discretionary spending at last year's level without raising taxes. Proponents state that this would save U.S. taxpayers $53 billion immediately, but, more importantly, it would send a signal that we are committed to lowering the deficit.

Third, we need to approve three promising free trade agreements with Colombia, South Korea and Panama that have stalled under this administration. Recently the President stated that increasing U.S. exports by just 1 percent would create over 250,000 jobs. Sure enough, the independent International Trade Commission estimates that these three deals would boost U.S. exports by over 1 percent.

Well, I look forward to hearing from the constituents of my congressional district in South Florida about how we can bring back economic growth and ensure that America will once again be the land of opportunity that I knew when I first came to this country almost five decades ago.

It's time to get our economy back on track.

FISCAL RESPONSIBILITY AND USING TARP TO REDUCE THE DEFICIT

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

Mr. CONNOLLY of Virginia. Mr. Speaker, I am intrigued to hear my good friend from Florida talk about deficits as if the Republican Party, when it was in the majority and controlling the White House, had nothing to do with creating record deficits after inheriting record surpluses.

Mr. Speaker, as we continue on the path to economic recovery, and as we maintain our focus on putting millions of Americans back to work, we must reduce long-term deficits, I agree. The actions we have taken to stabilize the economy and to spur economic and job growth will be for naught if our long-term economic health is imperiled by ever-rising budget deficits.

I stand here today in favor of a significant tool for deficit reduction, the dedication of unused TARP funds.

□ 0915

When first proposed by the previous administration, TARP was a $700 billion program designed to prevent the financial sector from collapse. In its own way it's had measured success. The bank stress tests applied earlier this year indicated that the financial sector was, in fact, stabilizing. A number of banks, most recently the Bank of America and Citigroup, have, in fact, begun to pay back their TARP loan funds.

The unused TARP funds represent hundreds of billions of dollars potentially in deficit reduction. In fact, they represent what would be the largest single deficit reduction in American history. As we stand at an economic crossroads, I believe we must seize advantage of this prospect and dedicate a significant portion of those remaining TARP funds to deficit reduction.

This would build on the actions we already have undertaken to reduce the deficit. In March, Congress passed the concurrent resolution on the budget for fiscal year 2010 that lowers the budget deficit to a third of the current amount within 4 years. This summer the House of Representatives passed legislation to reinstitute one of the most significant deficit reduction tools in recent memory, statutory pay-as-you-go, or PAYGO, legislation. PAYGO requires all reductions in revenue or increases in entitlement spending to be offset with other spending cuts or alternative sources of funding, a mechanism the Republican Congress let expire in 2002.

Yearly deficits, unfortunately, are not a new phenomenon. In fact, starting with fiscal year 1970, we had 28 straight deficits. But Congress took action and enacted statutory PAYGO in 1990. Starting in fiscal year 1998, President Clinton presided over four straight budget surpluses. The last time we had that many surpluses in a row was in the 1920s. Sustained surpluses are the result of sound economic policy and fiscal responsibility, which, quite frankly, had been sorely lacking these last past 8 years, Mr. Speaker.

Make no mistake. As this Congress took office in January, we were handed a deficit that was $1 trillion. How is that possible? How could we go from four straight surpluses with projected future surpluses totaling $5.6 trillion to an inherited $1 trillion deficit this year? How could record surpluses become record deficits? Fiscal irresponsibility.

The current recession, which began in 2007 and accounted for $479 billion of the fiscal year 2009 deficit, was the result of a concerted effort to avoid reasonable oversight of the financial sector. The risky and destructive behavior engaged in by a number of financial institutions was long ignored and in some ways subtly encouraged by a culture of deregulation on the other side of the aisle. The ensuing recession threw millions of Americans out of work and exacerbated the deficit.

Fiscal irresponsibility was a hallmark of the Bush administration. Three of President Bush's signature policies—his tax cuts, his prescription drug program, and his decision to start the Iraq War—resulted in further yearly debt of more than $670 billion. None of these policies were paid for. How could such gross fiscal irresponsibility occur by conservative Republicans?

It occurred in large part because President Bush and the Republican-controlled Congress allowed statutory PAYGO to lapse in 2002, perhaps the most intellectually honest budgetary action they, in fact, took during that time period. And what should have come as no surprise to anyone, because of that action, or lack of action, budget deficits returned the very next year. By allowing PAYGO to die, the Republicans were no longer constrained in their spending habits. They coupled reckless behavior with reckless disregard for the consequences and now expect the American people to believe their newfound concern for deficits. Where was that concern when we voted this year to reinstitute statutory PAYGO? Only 24 Republicans in this House of Representatives voted in favor of returning fiscal responsibility to the Congress.

Mr. Speaker, long-term financial stability depends on the continuance of our fiscal responsibilities. Long-term job growth depends upon a stable and growing economy. Long-term economic stability depends upon sustainable Federal budgets. Now, Mr. Speaker, is the time for the dedication of a significant portion of unused TARP funds for deficit reduction. The American people count on us.

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 19 minutes a.m.), the House stood in recess until 10 a.m. today.

□ 1000

AFTER RECESS

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

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of the law and the prophets, in the days of Isaias, the people expected ''All nations to stream toward the temple of the Lord. Many peoples shall come and say, 'Come, let us climb the Lord's mountain to the house of our God that we may be instructed in the right direction, and we may walk the paths of justice.''

In the days of Jesus, the people went out to hear the prophetic voice crying in the desert, ''Prepare the way for the Lord. Listen to him.''

Why is it, Lord, that people in our day do not seek You or Your wisdom as they face the complicated issues of law and government? Do their problems or their enemies seem to them stronger and more powerful than You?

Perhaps they do not want to turn to You because they fear how You will answer their prayer, and then they will not be able to say, ''Amen.''

THE JOURNAL

The SPEAKER. 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. Will the gentlewoman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPITO 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. CURTIS, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 62. Joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1755. An act to direct the Department of Homeland Security to undertake a study on emergency communications.

The message also announced that pursuant to section 276a of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, appoints the following Senator as Vice Chairman of the United States-China Interparliamentary Group conference during the One Hundred Eleventh Congress:

The Senator from Missouri (Mr. BOND.)

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Republican Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, the Chair, on behalf of the President pro tempore, reappoints the following individual to the United States-China Economic Security Review Commission:

Daniel Blumenthal of Maryland, for a term beginning January 1, 2010, and expiring December 31, 2011.

IS THIS REALLY THE BEST WE CAN DO?

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

Mr. KUCINICH. The word is that, with over 15 million Americans out of work and desperately in need of extended unemployment benefits, Congress will put unemployment compensation benefits into a bill which will give another $130 billion for war. Remember, our Democratic Party took control of Congress based on widespread opposition to the Iraq war. Unfortunately, we're now telling the American people the only way they'll get their unemployment compensation is to support another $130 billion to keep wars going.

What a cruel choice Congress is forcing on people out of work: Put your sons and daughters on the firing line, and we'll pay you for being in the unemployment line. What a message to young Americans. No jobs for young people except to go to war. No chance for young people to go to college and have health care unless they learn to kill or be killed. Support this war, we tell the people, the war, which creates death, war which creates poverty, and war which creates unemployment, and we'll pay you for being unemployed.

Is this really the best we can do?

MORE JOB CREATION ALTERNATIVES

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

Mr. WILSON of South Carolina. Mr. Speaker, there are many jobs creation proposals that have been presented but have been ignored. Many will help promote jobs immediately, provide a 5 percent across-the-board tax cut, increase the child tax credit from $1,000 to $5,000, repeal the alternative minimum tax on individuals, permanently repeal required distributions on retirement accounts, increase by 50 percent the tax deduction on student loans and tax deduction on qualified higher education expenses, make unemployment benefits tax free so those individuals between jobs can focus on providing for their families, and, to encourage responsible buyers to enter the housing market and stabilize prices, offer a homebuyer's tax credit of $15,000.

Both parties should consider positive alternatives that offer tax relief to small businesses and families to promote job creation.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. Our prayers are with Wayne Dell and his family.

THE BEST SOCIAL PROGRAM IS A JOB

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

Mr. COURTNEY. Mr. Speaker, the best social program is a job. It provides individuals and families with the means to support themselves. It also provides dignity and confidence to know that they actually have a viable future. That's why in eastern Connecticut we were very pleased a couple of weeks ago that the stimulus bill released money for the incumbent worker training program, a program which will provide 800 new jobs with funds directly sent to small- and medium-sized businesses, which is part of, again, the tried and true program that the stimulus bill expanded.

The president of Willimantic Savings Institute, Rheo A. Brouillard, who's going to have 200 new workers as a result of this program, said, The grants have assisted us in hiring of entry-level employees and enabled us to provide them with new skills needed to more readily advance their banking careers. The Norwich Bulletin, the largest newspaper in New London County, indicated that this is an excellent program, and this is what the stimulus package was intended to do.

Putting people to work is the best way to build a strong and vibrant economy. We need to build on the stimulus bill with these types of programs: first-time homebuyer tax credit, Cash For Clunkers, incumbent worker training programs. Steadily but surely we are turning this economy around, and we need a new jobs package to build on that success.

NANCY SHOBE'S RETIREMENT

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

Mrs. CAPITO. Mr. Speaker, I rise today to honor Nancy Shobe on her 41 years of service to the constituents of Buckhannon, West Virginia, and to congratulate her on her upcoming retirement.

Nancy has served as the secretary to the mayor, computer systems manager, human resource manager, recorder, treasurer, and acting mayor during her 41 years of service to the city of Buckhannon. She's served as president of the Municipal Clerks and Recorders Association and was selected as Clerk of the Year in 1997 and 1998. She also received a Certificate of Highest Merit from West Virginia University's Local Government Leadership Academy. And most recently, she was awarded the Quiet Strength Award for her outstanding leadership.

Nancy's leadership was proven during the difficult times after the Sago Mine disaster. Being the closest incorporated city to the Sago Mine, the city of Buckhannon was able to provide grief counseling for the families of the Sago miners, largely due to her efforts.

She has proven herself to be a true leader and a dedicated public servant whose positive impact in our community will be felt for many years to come.

I join with the residents of Buckhannon, West Virginia, in commending Nancy Shobe for her outstanding leadership and commitment over the past 41 years, and I urge my colleagues to join me in honoring her.

A NEW DEAL FOR A NEW ECONOMY

(Mr. HARE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HARE. The unemployed don't want another benefits check. They want a job. And I'm proud to say that on Friday, I introduced H.R. 4290, the New Deal for a New Economy Act, which would tackle this problem by creating and helping retain millions of jobs. It will reach that goal by investing $60 billion per year over 3 years in TARP money.

First, it would invest heavily in the creation of public works and public interest jobs through the creation of the new economy grant program. The jobs could be filled by persons of all skill levels, specifically in the areas of public works projects on the State and local level, and public interest work with community-based nonprofit organizations.

Secondly, it would provide a direct line of funding to states and localities to help alleviate their financial woes. The funding would protect and allow for the expansion of our current workforce and would be channeled directly to local governments through the popular grants programs for COPS hiring, for SAFER Grants for our firefighters, and a public works and economic development grant program. Further, my bill would provide much-needed funding to our Nation's schools to protect our teachers and hire more to meet the needs of our children.

The third and final piece of this bill is one that is critical to restoring our Nation's lands for future generations. It's a direct line of funding to our national forests and national parks to address some of their many high-needs projects that have been neglected for decades.

Mr. Speaker, Wall Street got its bailout. It's time for Main Street to get theirs. Again, I ask my colleagues to join me in supporting this bill.

TOO MANY PRIORITIES

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

Mrs. SCHMIDT. Mr. Speaker, if we don't heed Moody's warning, our Nation's AAA credit rating is likely to be downgraded due to unsustainable deficits by 2013. And what does this President and this majority do to answer this serious issue? Spend more money we don't have at record levels.

The President and the majority party have no interest in reining in the budget deficit. Just this weekend, top White House advisers said that tackling the deficit was not a priority. This administration has a lot of priorities. A frequent criticism has been that it has too many priorities. Apparently everything is a priority except for deficit reduction. I guess this shouldn't be a surprise coming from an administration that, in its first year in office, tripled the budget deficit to an all-time record high of $1.4 trillion.

The President just graded his job performance on the Oprah show as a B-plus. I can only imagine, and with fear, the kind of deficit the President would have run-up if he had given himself an A.

IRAN REFINED PETROLEUM SANCTIONS ACT

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

Mr. QUIGLEY. Mr. Speaker, despite its claims of pursuing only a peaceful nuclear program, Iran's actions clearly show that it's developing a nuclear bomb. You only need three elements to create a bomb: material, a delivery system, and a warhead. Iran has or almost has all three of these elements.

According to the International Atomic Energy Agency, Tehran has developed 1¾ tons of low-enriched uranium, enough to make two bombs. As for a delivery system, we know Iran has missiles and in May, tested a new long-range missile that can reach Israel, our other allies, and our troops in the region.

Regarding a warhead, the IAEA has evidence that Iran is working on fitting a bomb inside a missile cone. And this week it was reported that Iran has a plan to test a neutron initiator, a component that is used only to trigger a nuclear bomb and has no possible civilian applications.

As we stand here debating, Iran is making a nuclear bomb. The Iran Refined Petroleum Sanctions Act will send a signal to Tehran that we will not stand by silently while they develop a nuclear weapon and threaten the entire region.

MEDICARE SENIORS CANNOT AFFORD THE REID-PELOSI PLAN

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

Mr. FLEMING. Mr. Speaker, Democrats in the Senate are desperately looking for 60 votes for health care, so desperate that, in a new report released last week, the chief actuary of Medicare found the Reid-Pelosi bill would cause many physicians to stop treating seniors because of $465 billion in cuts to the Medicare program.

Unfortunately for Medicare beneficiaries, the CMS actuary also found that 20 percent of hospitals and nursing homes would go into the red within the next 10 years due to these cuts, seriously threatening the ability of seniors to rely on these institutions for their care.

As if that were not enough, the Reid bill would also cut payments to Medicare Advantage plans by roughly $120 billion, plans that 11 million seniors enjoy today. These cuts, according to the actuary, will result in 3.7 million seniors losing benefits under Medicare, causing many to pay more out of pocket each month for the drugs and services they lost. The.

Reid-Pelosi bill will make it harder for seniors to find treatment or afford care when they are sick.

□ 1015

HONORING ERIE HERO CLARA WARD

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

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to honor one of my constituents, an extraordinary woman in Erie, Pennsylvania. Clara Ward, the founder of the Youth Development and Family Center in Erie, was the star of ''Extreme Makeover: Home Edition'' this week, where her dedication to children in need was rewarded with an amazing renovation to her home.

With the help of her daughter Cynthia and son Benny, Clara Ward offers her neighborhood's children a safe haven from the streets. Every year, Clara gives 300 children presents for the holidays, and every day, she provides food to children who otherwise would go to bed hungry.

We all have so much to learn from Clara and her spirit of generosity. It is my hope that we carry this lesson through the holiday season and into the new year.

A BOX OF DOUGHNUTS

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

Mr. POE of Texas. Mr. Speaker, requiring Americans to buy health insurance or pay a fine or even go to jail if the fine tax is unpaid is utterly without constitutional authority. Under the Constitution, a citizen has no affirmative duty to purchase a mandated congressional product. Citizens have the right to do nothing.

The bruisers of the Constitution claim people must buy car insurance. That analogy is flawed. First, States, not Congress, have authority under the 10th Amendment that is not given to Congress. Second, driving is a privilege, not a right, and to exercise that privilege, a driver must buy insurance. But no one is forced to drive a car. Third, car insurance is to protect a third party from the driver. No State requires a driver to buy insurance for themselves.

A better analogy would be, in the name of promoting commerce, forcing all people to buy a car whether they wanted to or not, whether they could afford it or not, or be punished. Congress, by force, requiring all people to buy a product, whether it's health insurance or a car or even a box of doughnuts is unconstitutional and abuse of congressional authority.

And that's just the way it is.

THE STIMULUS BILL

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

Mr. HIMES. Mr. Speaker, we are looking at the last week perhaps of our session, and I think we can look back at some accomplishments. I think we can take some comfort in the fact that when this Congress sat in January, 11 months ago, Americans were losing their jobs at 20,000 every single day.

Because of the stimulus bill, that has slowed and almost stopped. The stimulus bill is rebuilding bridges in my district, rebuilding highways, and rebuilding community health clinics. But slowing the rate at which Americans lose their job is nobody's idea of a Christmas present. We have hard work to do.

I had occasion in church this weekend to hear the words of Handel's ''Messiah,'' ''and the government shall be upon his shoulders.'' That is prophetic, meaning in the future. Right now, the government is on our shoulders. And I hope that when we reconvene in January, we set aside the partisanship, the misinformation, and the anger to get back to the serious business of creating jobs for the American people.

THE DEBT CEILING AND DEFENSE SPENDING

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

Mr. OLSON. Mr. Speaker, in what has become a familiar move, House Democrats have decided to increase spending yet again. But sadly, they have opted to shut out debate on this matter by attaching a $300 billion increase in our Nation's debt ceiling to the Defense appropriations bill. They know they will have serious trouble getting support to increase our Nation's debt limit, so they are using our troops to carry them.

This is one of the reasons the American people are fed up with Congress. And as a Navy veteran, I can assure you that exploiting funding for our troops is both deplorable and demoralizing, and I will continue to oppose such actions.

We owe the American people, our children, our grandchildren, and the men and women risking their lives in defense of our freedom better than this. At Christmas, we should be hanging ornaments on a tree, not massive spending bills on the back of our troops.

THE WALL STREET REFORM BILL

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

Mr. ARCURI. Mr. Speaker, last week, I was proud to stand up with many of my colleagues and hold Wall Street accountable for their reckless actions that led us into the biggest financial collapse in the last 50 years. For too long, Wall Street banks were allowed to put short-term profits ahead of long-term stability under the Bush administration and reaped record profits as a result of their risky and out-of-control behavior.

When the markets collapsed out from under them, this country's hard-working citizens were forced to suffer the consequences. The Wall Street reform bill we passed increases enforcement and makes necessary reforms to hold Wall Street accountable so that it can never again recklessly gamble with our financial health and safety.

The bill also creates a new Consumer Financial Protection Agency to prevent borrowers from taking loans that they can't afford and holding risky lenders liable for their practices. The CFPA will also protect families and small businesses from irresponsible lending practices by ensuring that bank loans, mortgages, and credit cards are fair and easy to understand.

Finally, this bill makes it clear that Wall Street will no longer be receiving any sort of taxpayer-funded bailouts. The American people have pulled together and selflessly acted to help this great country. It is time for Wall Street to step up and do the same.

GET THE GOVERNMENT OFF OUR BACKS

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

Mr. GINGREY of Georgia. Mr. Speaker, the Democratic Member from Connecticut just said it's prophetic that the government should be on our shoulders. Unfortunately, the government is on our backs, and it shouldn't be. And no better example of that is this massive health care reform bill, a complete government takeover of health care, bureaucrats coming between doctors and patients.

People in this country have spoken loudly, but the Democratic majority is not listening.

In my 11th Congressional District of Georgia, Mr. Speaker, there are 95,000 people on Medicare, and 13,000 of them, 14 percent of the total, get their coverage under Medicare Advantage. That will be taken away from them as we strip $120 billion out of the Medicare Advantage program.

What that means, Mr. Speaker, is that those 13,000 people in my district will have to pay an additional $180 a month for the Medicare fee-for-service coverage if they can find a doctor that will take them. They will have to buy a prescription drug plan at $30 a month and buy a supplemental Medigap plan to cover many of the things that are covered under Medicare Advantage without additional cost. That policy will cost them $150 a month. That's why the American people are outraged over this plan.

Listen up, Members. Vote ''no.''

REGULATORY REFORM

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

Mr. ALTMIRE. Mr. Speaker, it was not long ago that our economy bottomed out and we were on the brink of an economic catastrophe. We avoided a complete collapse, but that is little consolation to the Americans who lost trillions of dollars in retirement savings due to the years of reckless behavior on Wall Street.

As we continue to show positive signs in our economy, this House last week passed legislation to make sure that we never again find ourselves in such a dire situation. The regulatory reform bill we passed creates an orderly process through which large, failing financial institutions can effectively be dismantled. No more ''too big too fail.'' We end taxpayer bailouts by ensuring that in the future, Wall Street, not the taxpayers, will pay to dismantle endangered firms. And we end the predatory lending practices that helped cause the crisis by requiring banks to ensure that they only lend to borrowers who can actually repay the loans.

These changes are long overdue but come just in time for the American taxpayer.

RECOVERY ACT DIAGNOSIS

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

Mr. BROUN of Georgia. Mr. Speaker, I'm a family doctor. I have examined the Pelosi and Reid health care bills, and I have made a diagnosis, and the American people need to listen up to this diagnosis.

If you like your health insurance today, the price is going to skyrocket, and you're not going to be able to keep it eventually. If you're on Medicare, you're going to have a hard time finding a doctor that will accept Medicare because of the massive cuts. If you're a veteran and dependent upon TRICARE, forget it.

Mr. Speaker, my prescription is that we need to trash the Reid and Pelosi health care bills, work in a bipartisan manner, do this in an incremental way to lower the cost to everybody, and work to make something that makes sense for the American public and keeps the good quality health care we have in America.

RECOVERY ACT REPORT

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, last week, I released a report outlining how the American Recovery and Reinvestment Act has benefited greater Arizona and identifying where improvements can be made. I surveyed

communities receiving recovery funds across my district to bring more transparency and oversight into the process.

I found significant progress has been made in bringing jobs to greater Arizona with 1,098 jobs created or saved in District One. Support to our State also prevented deep cuts in Arizona's education and public safety funding.

However, delays were reported on more than 40 percent of projects, despite the hard work of local officials. Our rural communities are finding the bureaucracy to be an obstacle.

I will continue working with local officials and Federal agencies to allow greater Arizona to take full advantage of the Recovery Act so they can create more jobs and get folks back to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUELLAR). The Chair will remind all Members not to traffic the well while another Member is under recognition.

THE NATIONAL DEBT

(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. Mr. Speaker, since 2007, our national debt has increased 39 percent from nearly $9 trillion to more than $12 trillion. This works out to be $39,000 for every man, woman, and child in America just to pay off our country's debt. Now there is a push to increase our Nation's debt ceiling to $13.9 trillion, despite warnings this increase will be harmful to the U.S. economy.

At a time of double-digit unemployment and with more than 2.6 million jobs lost since the so-called stimulus was passed by Congress, isn't it time we institute fiscally sound policies?

Over the last 11 months, the American people have seen unprecedented spending from Washington, D.C. They are certainly not impressed. They know any economic recovery starts with tax relief for working families and small businesses and fiscal discipline from Washington.

TRANSPARENT HEALTH CARE REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say that when Democrats gather, good things happen for the American people. Our health care bill is a bill that will bring down premiums, save lives, and create a magnificent reform comparable to saving lives when Medicare was passed in 1965. It is only those who are scared and apprehensive and not ready to go forward for the American people that won't allow us to move forward on the health care reform.

Just as when we gather together behind closed doors, Democrats, again, are promoting transparent legislation and creating jobs for Americans. We stand with the small businesses in providing them more resources and credits because they are the backbone of America. We realize that job training, and specifically a bill that I am offering that says that if you're unemployed and get unemployment compensation, you can be in a scholarship program that will train you for the jobs of the future.

The health care bill will be providing jobs on top of jobs: health care jobs, nursing, doctors, and physician assistants. Americans need jobs, and Democrats are not afraid to take the risks that are necessary to provide for them.

As we pass the appropriations bill, we are creating jobs for America, and, therefore, I'm asking my colleagues to assist and not cast about the fears of doom. We are moving this economy. We are helping health care. We are providing the opportunities for America. And I am glad to be a Democrat serving on behalf of the American people.

UNITED NATIONS SOVEREIGNTY

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

Mr. PITTS. Mr. Speaker, what is the proper function of the United Nations? Is it a forum for countries to come together to promote peace, security, and human rights? Or is it an independent entity that determines and establishes the law and regulations to govern member states?

General Secretary Ban Ki-moon has made it clear in recent comments that the U.N. Climate Summit in Copenhagen will not be successful unless a firm deadline for a legally binding agreement is in place.

In Copenhagen, the U.N. is advocating for U.N. bureaucrats with the legal power to regulate the actions of member states. We should not let the health of our economy rest on the collective decisions of a group containing antagonistic and autocratic governments who do not have the American people's interests at heart, let alone the interests of their own citizens.

Do we really want Burma, Iran, and North Korea and other despotic governments setting the rules that govern how American businesses operate? I certainly do not.

100-YEAR ANNIVERSARY OF MCALLEN MONITOR

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

Mr. HINOJOSA. Mr. Speaker, I, together with Congressman HENRY CUELLAR, rise to honor the McAllen Monitor newspaper in McAllen, Texas, on its 100-year anniversary. Since its first issue on December 11, 1909, the McAllen Monitor has been a round-the-clock operation.

It began as a weekly newspaper. Its reporters recorded the events when McAllen became incorporated in 1911. The Monitor was there to record the history of the Rio Grande Valley and its people. The names of the pioneering families leave a roadmap all across the Rio Grande Valley, families like the Canales, the Guerras, the Lopezes, the Cuellars, the de la Garzas, the McAllens, the Youngs, the Closners, the Sharys, the Hinojosas, and the Bentsens.

Now a daily paper, the McAllen Monitor takes pride in telling the success stories of homegrown people who have become famous, from Narciso Martinez, el Huracan del Valle's accordion sounds to Kris Kristofferson singing and acting; from Bobby Morrow's Olympic Gold Medal to the distinguished political career of the late Senator Lloyd Bentsen.

The McAllen Monitor has covered the good and bad, the sad and the joyous news for 100 years. Congratulations to the McAllen Monitor on its 100-year anniversary.

□ 1030

DEMOCRATS' ABSURD AGENDA

(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. Mr. Speaker, some days ago, when we were discussing and debating and voting on the health care bill, I got a call in my office from one of my constituents. After we had spoken for some time, he said, I have a confession to make. He said, I voted for President Obama because I thought that he would bring us together and that there was hope. But then he said these words, But I did not vote for this madness.

What did he mean? I guess maybe he was talking about a health care bill that's going to cost more money, going to raise taxes, and not going to take care of all Americans. I guess he was talking about a cap-and-trade bill that will put a burden on every single American. I guess he was talking about a proposal that comes to us that says, oh, we have a huge deficit and we're going to work our way out by spending more. And I suppose he may have been here to hear one of my colleagues just a moment ago who said, When Democrats meet behind closed doors, they come out for transparency. It seems absurd, perhaps because it is.

JOBS AND THE ECONOMY

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

Ms. WATSON. Mr. Speaker, the 111th Congress has made historical progress

working with President Obama to take America in a new direction. We are working to turn our economy around and create good jobs, to make commonsense reforms to how Wall Street does business, to make quality health insurance affordable to every American, and to launch a clean-energy jobs revolution that makes America more secure. These efforts are being tackled with fiscal discipline and accountability.

You just heard about the American Recovery and Reinvestment Act; and then there is the Worker, Homeownership, and Business Assistance Act, stimulating growth and creating jobs with up to 20 additional weeks of unemployment benefits. And then there is the Job Creation Through Entrepreneurship Act to give established small businesses and entrepreneurial startups the needed tools and resources to thrive, create jobs, and drive economic growth.

GITMO DETAINEES COMING TO THE HEARTLAND

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

Mr. KIRK. Mr. Speaker, this morning, we read reports that the administration will announce that a prison in Illinois will be home to over 70 al Qaeda core detainees. After spending $275 million on a state-of-the-art facility in Cuba, we will walk away from that investment.

The new plan poses an unnecessary risk on the American people. Administration briefings revealed that we are not ending Gitmo, just moving it to the heartland.

Members of Congress posed over one dozen questions on this plan 1 month ago—with no answer. Here is one of the key unanswered issues: In his archives speech, the President announced that approximately 75 of the detainees are ''too dangerous for trial or release.'' They are to be held indefinitely without civil or military trial.

It is illegal under our Constitution for the executive to hold a person inside the United States indefinitely without trial. Question: How will the President suspend our Constitution's writ of habeas corpus once he brings these 75 detainees to the heartland? Courts will force him to answer, and the American people should know right now.

THE AMERICAN PEOPLE WANT DEMOCRATIC SOLUTIONS

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

Mr. YARMUTH. Mr. Speaker, many in the media and some of our Republican colleagues are trying to raise the specter of 1994 when we are talking about health care reform saying, oh, the Democrats are going to lose control of the House if they pass health care reform just like they lost the House after trying to get HillaryCare through.

Well, there are a few differences between 1994 and 2009. For one, in 1994, 11,000 people weren't losing their health insurance every day, premiums had not nearly tripled in the prior 10 years, we weren't 7 years away from facing bankruptcy in Medicare, more than 700,000 people were not going bankrupt every year because of health care costs, and, finally, nearly 40,000 people every year weren't dying because of a lack of health care coverage.

You know, the people in America have seen what the Republican response for health care is. They saw one move in 12 years of their control, and that was to pass an unfunded prescription drug plan that the Social Security trustees now say may raise the deficit by $1.2 trillion over the next 10 years.

We've seen the Republican solutions. The American people want the Democratic solutions.

MR. PRESIDENT, RECONSIDER GUANTANAMO BAY

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

Mr. PENCE. Mr. Speaker, I was here at the Capitol on September 11. I watched the smoke rise from the Pentagon. I walked in the ashes of Ground Zero 1 week later. Terrorism is not theoretical to me. That's why, like most Americans, I was astonished to read this morning press reports that the Obama administration is about to transfer over 70 known dangerous terrorists from the military detention facility at Guantanamo Bay outside the United States to a prison inside the United States, in the heartland of America, in the State of Illinois.

By moving known terrorists to American soil, the Obama administration is putting international public relations ahead of public safety. How does closing Guantanamo Bay make us safer? How does moving over 70 known terrorists to a facility in my beloved heartland of this country make our families safer? And how does it even make sense?

Mr. President, rescind this order. Reconsider your decision. Put the safety and security of the American people ahead of international public opinion.

SUPPORT GLOBAL CLIMATE AGREEMENT IN COPENHAGEN

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

Mrs. CAPPS. Mr. Speaker, the scientific consensus about whether humans are causing global warming is clear. Reports from the United Nations IPCC underscore the need for all countries to take action to reduce global warming pollution.

As I speak, world leaders are meeting in Copenhagen to negotiate a new global climate treaty. This is a tremendous opportunity for the United States to lead the world in coalescing around a fair, ambitious, and binding climate agreement.

We must confront the causes of global warming and manage the impacts of climate change, such as rising sea levels, and help developing countries benefit from clean energy technologies.

Mr. Speaker, the United States has a lot to gain in Copenhagen. Currently, European countries generate more of their electricity than we do from clean alternative sources, while China is on track to become the world's leading maker of wind turbines by the end of this year.

The United States can lead the world in growing a clean energy economy. We can create new American jobs and strengthen our national security while we protect our planet. We can, and we must, be the global clean energy leader again.

Let's all support a fair, ambitious, and binding climate agreement in Copenhagen.

DEMOCRATS AT WORK PUTTING AMERICA BACK TOGETHER

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

Ms. SHEA-PORTER. Mr. Speaker, the 111th Congress and the President have pulled the economy back from the brink. After 8 years of the previous administration's lax oversight of Wall Street, tax cuts for the very rich, and dishonest budgets that hid the true costs, this Congress and President Obama are busy reversing the damage.

The House passed a Wall Street reform bill that will protect consumers and ensure that taxpayers are never again on the hook to bail out big Wall Street banks. We also passed Cash for Clunkers, which helped to jump-start the U.S. auto industry and get new, cleaner cars on the road. And the American Recovery and Reinvestment Act has invested in Main Street America, creating jobs and building infrastructure projects. These projects will serve their communities for decades to come.

When the President took office in January, the economy was shedding over 700,000 jobs a month. Last month, there were 11,000 job losses. Every job loss is a tragedy, though; and that is why we have been working to create jobs while we also extended unemployment benefits to those still seeking work.

We are still turning America around, but in just 1 year we have come a long way.

END THE WAR IN AFGHANISTAN NOW

(Mr. GRAYSON asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GRAYSON. Mr. Speaker, I rise today in favor of peace. I am joined in that by nearly 100,000 people who have signed a petition urging Congress to stop the escalation of the war in Afghanistan. This is the petition from the group Rethink Afghanistan.

President Obama has decided to send more than 30,000 extra troops to Afghanistan at a cost of more than $100 billion a year, but America cannot afford a war that does not make us safer; and Congress has the power to stop that escalation. Vote ''no'' on any spending bill that would send more troops to Afghanistan.

I agree with that petition. It took only about 1,000 Special Forces troops to overthrow the Taliban in 2001. Why would we need 100 times that many to keep them out now? This occupation is an 18th-century strategy against a 14th-century enemy.

We have done enough to help and secure the Pashtuns, the Tajiks and the Hazara. It's about time we start to think of ourselves. Instead of spending billions on the war, we need to spend it on America. End the war now.

DEMOCRATS ARE COMMITTED TO JOBS PROGRAM

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

Mr. ELLISON. Mr. Speaker, after nearly a decade of handing over middle class tax dollars to the wealthiest 1 percent, after nearly a decade of policy that encouraged million-dollar CEO bonuses over raises for American workers, we are witnessing the results of nearly a decade of complete Republican control of the Federal Government.

They handed President Obama and this Congress two wars, hundreds of billions of dollars in debt, crumbling national infrastructure, a home mortgage crisis—one in eight mortgages in default or foreclosure—a global climate crisis, and a financial sector ravaged by greed and lax regulation.

In short, this greatest economic and financial crisis since the Great Depression should be called the ''Republican recession.'' And then, they handed it all off to President Obama and now have the audacity to ask, Where are the jobs? Well, the jobs are coming. The jobs are being built right now because Democrats are focusing on jobs. Democrats are committed to a jobs program that talks about our infrastructure, retaining public employees, and building America's future again.

WE NEED TO HELP THE UNEMPLOYED

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

Mr. COHEN. Mr. Speaker, The New York Times and CBS released a poll recently that showed what the feelings are and the effects of unemployment on Americans. We've had 10 percent unemployment and many people that are long-term unemployed. The effects are devastating.

People who are unemployed are more likely not to have health insurance and have difficulty and give up getting medical care. That costs the public later with emergency room visits and costs us more money. They have more problems with depression and anxiety, and yet can't afford medical treatment. Again, problems arise. They have lost their homes, neighborhoods suffer, crime increases, neighborhood values decrease.

The loss of jobs has hurt millions of Americans and others because of the effects on the economy, on government, and on neighborhoods. But the people who have lost their jobs know why they have lost their jobs. Twenty-six percent specifically say the reason they've lost their jobs is because of President Bush and the policies that were brought about during the time he was President. That is obvious. The second largest group is Wall Street bankers. We need to help the unemployed. We need to find jobs.

WALL STREET REFORM PACKAGE

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

Mr. WALZ. Mr. Speaker, among the speakers who have just addressed this House are a high school teacher, a nurse, a social worker, a small business owner, and a criminal prosecutor. And they stood hand in hand for working families on Main Street to restore responsibility and accountability to Wall Street last week.

After years of recklessness and unchecked greed that have now cost millions their jobs, their homes, and their life savings, we finally passed long-overdue commonsense reforms. These reforms protect investors and consumers from the excesses of those who will gamble other people's hard-earned money and closed loopholes in existing laws. They bring about an end to taxpayer bailouts and a belief that a firm is too big to fail.

Financial markets work best when they are transparent, allowing investors to make smart decisions and our capital system to flourish; but they also require cops on the beat to protect consumers from fraud and abuse. The Wall Street reform package we passed strengthens our markets and our economies, giving people confidence again to invest in America and our growth towards prosperity.

□ 1045

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DRIEHAUS). 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.

AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS

Mr. CUELLAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1517) to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1517

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

SECTION 1. DEFINITIONS.

For purposes of this Act—

(1) the term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection;

(2) the term ''U.S. Customs and Border Protection'' means U.S. Customs and Border Protection of the Department of Homeland Security;

(3) the term ''competitive service'' has the meaning given such term by section 2102 of title 5, United States Code; and

(4) the term ''overseas limited appointment'' means an appointment under—

(A) subpart B of part 301 of title 5 of the Code of Federal Regulations, as in effect on January 1, 2008; or

(B) any similar antecedent or succeeding authority, as determined by the Commissioner.

SEC. 2. AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS.

(a) IN GENERAL.—Notwithstanding chapter 33 of title 5, United States Code, or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Commissioner may convert an employee serving under an overseas limited appointment within U.S. Customs and Border Protection to a permanent appointment in the competitive service within U.S. Customs and Border Protection, if—

(1) as of the time of conversion, the employee has completed at least 2 years of current continuous service under 1 or more overseas limited appointments; and

(2) the employee's performance has, throughout the period of continuous service referred to in paragraph (1), been rated at least fully successful or the equivalent.

An employee whose appointment is converted under the preceding sentence acquires competitive status upon conversion.

(b) INDEMNIFICATION AND PRIVILEGES.—

(1) INDEMNIFICATION.—The United States shall, in the case of any individual whose appointment is converted under subsection (a), indemnify and hold such individual harmless from any claim arising from any event, act, or omission—

(A) that arises from the exercise of such individual's official duties, including by reason

of such individual's residency status, in the foreign country in which such individual resides at the time of conversion,

(B) for which the individual would not have been liable had the individual enjoyed the same privileges and immunities in the foreign country as an individual who either was a permanent employee, or was not a permanent resident, in the foreign country at the time of the event, act, or omission involved, and

(C) that occurs before, on, or after the date of the enactment of this Act,

including any claim for taxes owed to the foreign country or a subdivision thereof.

(2) SERVICES AND PAYMENTS.—

(A) IN GENERAL.—In the case of any individual whose appointment is converted under subsection (a), the United States shall provide to such individual (including any dependents) services and monetary payments—

(i) equivalent to the services and monetary payments provided to other Customs and Border Protection employees in similar positions (and their dependents) in the same country of assignment by international agreement, an exchange of notes, or other diplomatic policy; and

(ii) for which such individual (including any dependents) was not eligible by reason of such individual's overseas limited appointment.

(B) APPLICABILITY.—Services and payments under this paragraph shall be provided to an individual (including any dependents) to the same extent and in the same manner as if such individual had held a permanent appointment in the competitive service throughout the period described in subsection (a)(1). The preceding sentence shall, in the case of any individual, be effective as of the first day of the period described in subsection (a)(1) with respect to such individual.

(c) GUIDANCE ON IMPLEMENTATION.—The Commissioner shall implement the conversion of an employee serving under an overseas limited appointment to a permanent appointment in the competitive service in a manner that—

(1) meets the operational needs of the U.S. Customs and Border Protection; and

(2) to the greatest extent practicable, is not disruptive to the employees affected under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on the bill that is under consideration.

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

There was no objection.

Mr. CUELLAR. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

H.R. 1517 would help fix a previous hiring error for a select number of employees serving oversees in positions for Customs and Border Protection. Through no fault of their own, there are about 35 employees in several CBP pre-clearance locations across the globe that were hired under a limited term appointment by the Immigration and Naturalization Service.

Some of those workers have been employed, Mr. Speaker, since 1987, with the majority hired in the mid-1990s. Mr. Speaker, they have been, for the most part, treated the same way as other CBP officers and personnel, regardless of their initial appointment status. However these employees, these hardworking employees, unbeknownst to them, were in personnel limbo for the past 15 years to 20 years and were not covered by the protections and immunities afforded to permanent CBP employees engaged in similar work.

This personnel situation was initially brought to the employees' attention in 2005. Since then, the CBP, OPM, and the Department of State have been trying to fix this glitch, but they realize that they need the help of Congress. This is why H.R. 1517 will give the CBP Commissioner the authority to noncompetitively convert these 35 employees to full-time permanent civil service positions.

Doing so would not only ensure that these employees continue to receive their appropriate benefits but also will provide them with the protections they deserve as dedicated employees serving the CBP mission abroad. This ability to convert these employees will also ensure that CBP and that the United States honor the agreements between our countries and others such as Ireland.

Going forward, it is our hope that the Commissioner will take the past histories of these dedicated 35 individuals into account when determining their future. As I had mentioned, through no fault of their own, these employees find themselves in this very difficult situation.

Other employees assigned to work overseas rotate back to the U.S. after a period of time. The majority of these employees affected by the bill, however, have been at their posts for many years and have put down roots in these locations.

In light of these employees' unique circumstances, the bill provides guidance to the Commissioner, stating that the implementation of the bill shall, number one, meet the operational needs of CBP and, number two, to the greatest extent practicable, not be disruptive to this discrete number of affected employees.

In our attempt to right the system, CBP should not unduly disrupt the lives of these dedicated individuals who have provided a very valuable service to our country.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, December 2, 2009.

Hon. BENNIE THOMPSON,
Chairman, Committee on Homeland Security, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 1517, a bill to allow certain U.S. Customs and Border Protection employees to be converted to a permanent appointment in the competitive service.

I appreciate your effort to consult with the Committee on Oversight and Government Reform regarding those provisions of H.R. 1517 that fall within the Oversight Committee's jurisdiction.

Given the importance of moving this bill forward promptly, I do not intend to object to its consideration in the House. However, I do so only with the understanding that this procedure should not be construed to prejudice this Committee's jurisdictional interest or prerogatives in the subject matter of H.R. 1517, or any other similar legislation.

I would also request your support for the appointment of conferees from the Oversight Committee should H.R. 1517 or a similar Senate bill be considered in conference with the Senate.

Finally, I request that you include our exchange of letters on this matter in the Congressional Record during consideration of this legislation on the House floor.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, December 2, 2009.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TOWNS: Thank you for your letter regarding H.R. 1517, a bill to allow certain U.S. Customs and Border Protection employees to be converted to a permanent appointment in the competitive service, introduced by Congressman Eliot L. Engel on March 16, 2009.

I acknowledge that H.R. 1517 contains provisions within the jurisdictional interest of the Committee on Oversight and Government Reform. I appreciate your agreement to forgo further consideration or action on this legislation to ensure the timely consideration of this legislation, and acknowledge that your decision to do so does not affect the jurisdiction of the Committee on Oversight and Government Reform.

Further, I recognize that your Committee reserves the right to seek appointment of conferees on the bill for the portions of the bill that are within the jurisdiction of the Committee on Oversight and Government Reform, and I agree to support such a request.

I will ensure that this exchange of letters is included in the legislative report on H.R. 1517 and in the Congressional Record during floor consideration of the bill. I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1517 to correct the hiring status of approximately 30 Customs and Border Protection officers stationed overseas under the wrong hiring appointments.

I appreciate the opportunity to stand in support of this legislation in the place of Ranking Member PETER KING, the Republican sponsor of the bill.

H.R. 1517 grants special authority to the Commissioner of Customs and Border Protection to noncompetitively convert about 30 CBP employees mistakenly hired under an overseas limited deployment to permanent status stationed at the overseas pre-inspection posts.

CBP operates pre-clearance stations at 15 foreign airports where travelers to the U.S. are able to undergo entry inspections before boarding their planes. This initiative facilitates travel while adding an important security benefit.

Unfortunately, this hiring error, if not addressed, could force these employees to transition into locally hired staff, much like Foreign Service nationals at embassies, or to return to the United States and compete for domestic CBP positions. Through no fault of their own these employees are now facing the problems with their employment status due to a mistake made years ago when they were initially hired. The Congressional Budget Office analysis shows no significant impact from this legislation, as these are existing employees who only need a category adjustment to their employment records.

I would like to highlight and express appreciation for the bipartisan manner in which this legislation was developed. Congressman ENGEL and Ranking Member KING worked together to develop this bill, and both Chairwoman SANCHEZ and Chairman THOMPSON sponsored this bill as it moved unanimously through our committee.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ENGEL) who is the author of this bill and has been working with the ranking member, Mr. KING of New York.

Mr. ENGEL. I thank the gentleman, my good friend from Texas, for yielding to me. I appreciate the comments made by Mr. ROGERS as well.

Mr. Speaker, this bill rights a wrong. It's a very technical bill, but the bottom line is that 35 loyal and hard-working Federal employees stationed overseas, working for America, are being treated unfairly, and the bill corrects this. When I was in Ireland at the Customs post, I had a chance to speak with some of these employees, and I became convinced that they were not being treated fairly.

I rise today in support of my legislation, H.R. 1517, for the conversion of certain overseas Customs and Border Protection employees. I would also like to give special recognition to my colleague and friend, Representative PETER KING of New York, for the hard work that he has put into this legislation as well.

H.R. 1517 would grant the Commissioner of the U.S. Customs and Border Protection the authority to noncompetitively convert employees serving on overseas limited appointments into permanent employees. The need for this legislation was brought to my attention by 15 U.S. CBP employees serving at pre-clearance centers in Ireland, who were incorrectly hired by the Immigration and Naturalization Service. These employees were hired on overseas temporary appointments, but the work requirement evolved into a permanent basis.

There are two ways for a Federal agency to fill permanent overseas positions: one, by hiring locally engaged staff or, two, by U.S. direct hire. Yet because an agreement between the United States and Ireland requires that all pre-clearance employees be permanent employees, and, by definition, employees on overseas appointments are limited employees, albeit it in this case limited for an indefinite duration, CBP is technically in violation of the two countries' agreement.

More troubling to me, the 15 employees on overseas limited appointments are not covered by the protections and immunities afforded by the agreement to permanent U.S. pre-clearance employees.

Later, I learned the number of employees in similar positions included over 30 other CBP employees in Aruba, the Bahamas, Bermuda, and Canada. It has been through no fault of their own that these loyal employees, some of whom have been protecting our country for almost 20 years, are now in limbo.

Without this legislation, they will either have to become locally engaged staff, who are compensated by and receive benefits from the Irish government, or be placed into competitive positions that will require a return to the U.S. Some of them have families and have been living in Ireland working for the U.S. as American citizens, a choice that would destroy an established way of life in Ireland if they were forced to come to the United States, or a career with the U.S. Customs and Border Protection. They would have to choose, and that's not right. This was done through no fault of their own.

This bill, H.R. 1517, would allow these employees to stay close to their families and keep their positions protecting our country.

I would like to applaud the Homeland Security Committee for including language encouraging the CBP Commissioner not to be too disruptive to the employees when implementing this legislation. I recognize the standard CBP policy is for employees serving at overseas positions to rotate back to the United States after 5 years. However, in this extreme circumstance, it would be best for the CBP to allow the employees to continue to serve where they are currently with the years of experience they bring to their positions.

Let me say in closing, H.R. 1517 is a bipartisan bill. It is supported by the U.S. Customs and Border Protection and the National Treasury Employees Union, which represents the employees.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUELLAR. I yield an additional 1 minute to the gentleman from New York.

Mr. ENGEL. I thank the gentleman. This is a bipartisan bill. I repeat: It is supported by the U.S. Customs and Border Protection and the National Treasury Employees Union, which represents the employees. Each has had the opportunity for input into the final legislation.

I would strongly encourage my colleagues to join with me in support, again, of this bipartisan legislation. Continued employment of these individuals is in the best interest of CBP and the best interest of our country as the work requirement remains, and it's critical to CBP protecting our Nation's borders.

Mr. ROGERS of Alabama. Mr. Speaker, I have no additional speakers. At this time I would urge Members to support the bill.

I yield back the balance of my time.

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

Mr. Speaker, I encourage my colleagues to support this important legislation that Mr. ENGEL has been working on, along with the ranking member, Mr. PETER KING of New York. This is a piece of legislation that will help those employees that have been working for our country. I would ask all Members to support this important legislation.

Ms. RICHARDSON. Mr. Speaker, as a member of the Homeland Security Committee, I rise today in strong support of H.R. 1517. This legislation will allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

I would like to acknowledge Speaker PELOSI and Chairman THOMPSON for their leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman ENGEL, who worked so hard authoring this important legislation.

Mr. Speaker, H.R. 1517 would correct a longstanding classification problem among a small group of Customs and Border personnel that were hired before DHS was created. These 35 people are working overseas, mostly in Ireland, and need to be properly classified as CBP staff. I am pleased that the Homeland Security Committee has taken action to correct this problem and that this bill has come before the full Congress today.

I support H.R. 1517 because it is an efficient fix to this classification issue. Our Customs and Border personnel work so hard every day to keep us safe, and they deserve prompt action by this body to correct any problems in classification that could prevent them from receiving any appointments they may deserve.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1517.

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

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

the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 1517, 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. CUELLAR. 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.

FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES ACT

Mr. CUELLAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3978) to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3978

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 ''First Responder Anti-Terrorism Training Resources Act''.

SEC. 2. ACCEPTANCE OF GIFTS FOR FIRST RESPONDER TERRORISM PREPAREDNESS AND RESPONSE TRAINING.

Section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102) is amended by adding at the end the following new subsection:

''(f) ACCEPTANCE OF GIFTS.—

''(1) AUTHORITY.—Notwithstanding section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Secretary may accept and use gifts of property, both real and personal, and may accept gifts of services, including from guest lecturers, for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism.

''(2) REPORT.—The Secretary shall report annually to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate—

''(A) any gifts that were accepted under this subsection in the preceding year;

''(B) how such gifts contribute to the mission of the Center for Domestic Preparedness; and

''(C) the amount of Federal savings that were generated from the acceptance of such gifts.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Alabama (Mr. ROGERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days with which to revise and extend their remarks and insert extraneous materials on the bill under consideration.

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

There was no objection.

Mr. CUELLAR. Mr. Speaker, I rise in support of this bill and yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3978, which is sponsored by my friend from Alabama (Mr. ROGERS). I am pleased to serve with Mr. ROGERS on the Emergency Communications, Preparedness, and Response Subcommittee. He is the ranking member and works with us in a very bipartisan manner. I thank him for his service.

Mr. ROGERS' district is home to the Center For Domestic Preparedness. It is the premier training site for our Nation's first responders, and it is the Department of Homeland Security's only federally chartered weapons of mass destruction training center.

DHS has facilitated training at the center for thousands of first responders from all 50 States, territories and the District of Columbia. Given the center's prominence in the first responders' community, it often receives offers of gifts and donations from a variety of sources. These donations and services include training, displays, emergency response equipment, and offers of guest lectures.

□ 1100

These donations and gifts would strengthen the center's ability to offer high-quality emergency response training.

Unfortunately, the center currently lacks the legal authority at this time to accept these types of services. H.R. 3978 will permit the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and in response to terrorism.

The legislation further directs DHS to report annually to the Congress on any gifts that were accepted in the preceding year and how they have contributed to the center's mission. Other DHS-supported training centers are permitted to accept gifts and donations, and it is past due to give the Center for Domestic Preparedness the same authority.

I urge all my colleagues to support H.R. 3978.

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

Mr. ROGERS of Alabama. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of the First Responder Anti-Terrorism Training Resources Act.

H.R. 3978, which I introduced last month, ensures that first responders who train at East Alabama's Center for Domestic Preparedness have access to even better training resources. As many here know, the Center for Domestic Preparedness, located in my district in Anniston, Alabama, delivers one-of-a-kind training to America's emergency responders. It's our Nation's premier all-hazards training center. It's also the only federally chartered weapons of mass destruction training center in the Nation. Responders from all 50 States, the District of Columbia, and the U.S. territories have trained at the CDP. In fact, this year the CDP celebrated its 500,000th graduate.

Like other first responder training centers, often the CDP receives offers of donations, such as railcars, trailers, and emergency response equipment, to assist their training courses. However, since the CDP's activities are conducted under the 9/11 Act of 2007 rather than the Stafford Act, the CDP lacks the legal authority to accept donations that could further training resources.

My bill fixes that problem. It amends the 9/11 Act so that the CDP may accept donations of property and services for antiterrorism and training activities. It's a win-win for our first responders, the taxpayer, and this important east Alabama training facility.

I would like to thank my good friend from Texas (Mr. CUELLAR) for supporting this bill and holding a markup in the subcommittee last month. I would also like to thank the full committee chairman, Mr. THOMPSON, for holding a markup in the full committee.

I urge my colleagues to support this important measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I encourage my colleagues to support this important Homeland Security legislation. The gentleman from Alabama has worked very hard, has been very dedicated in this piece of legislation, and I would ask all my colleagues to support this important legislation.

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 Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 3978.

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. CUELLAR. 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.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF HOMELAND SECURITY

Mr. CUELLAR, from the Committee on Homeland Security, submitted a privileged report (Rept. No. 111–377) on the resolution (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 or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009, which was referred to the House Calendar and ordered to be printed.

HONORING 50TH ANNIVERSARY OF THE RECORDING OF ''KIND OF BLUE''

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 894) honoring the 50th anniversary of the recording of the album ''Kind of Blue'' and reaffirming jazz as a national treasure.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 894

Whereas, on August 17, 1959, Miles Davis, Jimmy Cobb, Bill Evans, Wynton Kelly, Paul Chambers, John Coltrane, and Julian ''Cannonball'' Adderley collaborated to record the album ''Kind of Blue'';

Whereas ''Kind of Blue'' ranks 12th on the list of the ''500 Greatest Albums of All Time'' published by Rolling Stone magazine;

Whereas ''Kind of Blue'' was recorded in 1959, the year Columbia Records declared ''jazz's greatest year'';

Whereas ''Kind of Blue'' marked the beginning of the mass popularity of jazz in the United States;

Whereas in 2008, the Recording Industry Association of America awarded ''Kind of Blue'' quadruple-platinum status, meaning 4,000,000 copies of the album had been sold;

Whereas in 2002, the Library of Congress added ''Kind of Blue'' to the National Recording Registry;

Whereas ''Kind of Blue'' was recognized as the bestselling record in the history of jazz;

Whereas 50 years after the release of ''Kind of Blue'', MOJO magazine honored the Legacy Edition of the album by giving it the ''Best Catalogue Release of the Year'' award;

Whereas ''Kind of Blue'' both redefined the concept of jazz for musicians and changed the perceptions of jazz held by many fans;

Whereas today, the sole surviving member of the Miles Davis Sextet, Jimmy Cobb, is performing and touring with his So What Band in tribute to the 50th anniversary of ''Kind of Blue''; and

Whereas ''Kind of Blue'' continues to be the standard masterpiece of jazz for American musicians and audiences: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 50th anniversary of ''Kind of Blue'' and recognizes the unique contribution the album has made to American jazz;

(2) directs the Clerk of the House of Representatives to transmit enrolled copies of this resolution to Columbia Records;

(3) encourages the United States Government to take all appropriate steps to preserve and advance the art form of jazz music;

(4) recommits itself to ensuring that musical artists such as Miles Davis and his Sextet receive fair protection under the copyright laws of the United States for their contributions to culture in the United States; and

(5) reaffirms the status of jazz as a national treasure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members 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 Michigan?

There was no objection.

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

Today we honor Miles Davis, the trumpet player, and his sextet, recognizing the 50th year of the recording of one of the legendary jazz tunes, one of the most important too of the 20th century, that was an album called ''Kind of Blue.'' It was recorded in New York, a Manhattan church turned recording studio—and there were six other people with Miles Davis: John Coltrane; Julian ''Cannonball'' Adderley; Bill Evans and Wynton Kelly, pianists; Paul Chambers, bass; Jimmy Cobb, the drummer—and made musical history and changed the artistic landscape of this country and in some ways the world.

At the Congressional Black Caucus event this past September, we honored the only living artist of that recording date, Jimmy Cobb, the drummer, who was there and who performed, as a matter of fact. It was a great time for a great event that occurred 50 years ago.

The reason that it was great was that each one of these artists—Coltrane, Adderley, Davis, Bill Evans, Wynton Kelly, Paul Chambers, and Jimmy Cobb—all became musical leaders in their own right. And they were experimenting with what was once called bebop, now progressive jazz, and some went on to modal jazz, which I'm still finding out what that's all about. They'd usually take chords of a song, sometimes a ballad or a popular song, and then substitute chords, and then you'd get this creative improvisation of what their interpretation of a song means to them. And that's what modern jazz is, of course, all about.

So with the event that the Congressional Black Caucus had with the only living musician from that historic recording, this gives us a chance and an opportunity to understand what this contribution to music means to the American cultural scene.

Jazz is celebrated all over the world. I introduced a concurrent resolution on jazz, H. Con. Res. 57—I have forgotten what year now, but it was passed in both the House and the Senate—and it celebrated this contribution, this musical contribution that's been appreciated, reinterpreted all over the world. Whenever and wherever I travel, I always try to locate the musicians, whether it's in Norway or Jamaica or Germany. This music is still going on and it's something that we celebrate, and I'm glad to bring before the House today this resolution, 894, for passage.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support Chairman CONYERS' sponsorship of House Resolution 894, which honors the 50th anniversary of the album ''Kind of Blue'' and reaffirms jazz as a national treasure.

I thank Chairman CONYERS for his excellent work over many years to honor and support jazz not only in music halls but in the Halls of Congress.

In 1987, Chairman CONYERS' House Concurrent Resolution 57 designated jazz a national American treasure. Taking its name from this resolution, the HR–57 Center for the Presentation of Jazz and Blues later established itself on 14th Street in Washington, D.C., to educate aspiring musicians on the history and culture of jazz and blues.

In 1990, Chairman CONYERS won passage of appropriations legislation awarding the Smithsonian Institute with funding to establish a comprehensive jazz program, including the Smithsonian Jazz Masterworks Orchestra.

Chairman CONYERS has long supported efforts to present live jazz to the public in Washington, D.C. He has served on the board of directors of such organizations as Capital City Jazz Festivals, Inc., the National Jazz Service Organization, and the Rhythm and Blues Foundation. His love of jazz is shared by many. Jazz is an historic American creation, and as such, it certainly should be honored and supported by Congress today.

This year marks the 50th anniversary of the famous jazz album ''Kind of Blue.'' On August 17, 1957, Miles Davis and his ensemble sextet collaborated to record ''Kind of Blue.'' This album popularized jazz like never before. It led Columbia Records to declare 1959 as ''jazz's greatest year.'' Today, ''Kind of Blue'' is recognized as the best-selling jazz album of all time. Its influence on music beyond jazz alone has led music writers to view it as one of the most influential albums ever. In 2002, it was one of 50 recordings chosen by the Library of Congress to be added to the

National Recording Registry. In 2003, ''Kind of Blue'' was ranked No. 12 on Rolling Stone magazine's list of the 500 greatest albums of all time.

One reviewer called ''Kind of Blue'' a defining moment of 20th century music. Ashley Kahn, the author of the book ''Kind of Blue: The Making of a Miles Davis Masterpiece,'' called it ''the premier album of its era, jazz or otherwise.'' Pianist Chick Corea, one of Miles Davis' acolytes, said, ''It's one thing to just play a tune or play a program of music, but it's another thing to practically create a new language of music, which is what 'Kind of Blue' did.''

As a distinctly American language of music, jazz is rightfully honored by Chairman CONYERS' resolution today. So it is with great pleasure that I join him in supporting this resolution, and I urge our colleagues to support the resolution as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1115

Mr. CONYERS. Mr. Speaker, I yield as much time as he may consume to one of the people who knows a little about this music and who has come a long way from Memphis, Tennessee. He is the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I thank the chairman.

Mr. Speaker, we all start as a tabula rasa in all areas of life. Then we grow, and we have the opportunity to learn. In my fewer number of years here on Earth than the chairman, I have learned quite a bit about jazz myself.

It has been my honor to have friends who have been involved in jazz in Memphis—particularly, the late Phineas Newborn, Jr., who was a great pianist, one of the great jazz pianists of all time. He was a Memphian, and he was known by jazz musicians all over the world as a great jazz pianist. Others have come from Memphis and have gone to New York, which is oftentimes where jazz is played.

Marvin Stamm, a great flugelhorn player, performed with different orchestras throughout the country as a Memphian. He went to North Texas State University for his education where he got a degree in jazz band, which is one of the few places in the world, Mr. SMITH's State, that has jazz band distinction.

In New York, there are Bradley's, Village Vanguard and all of those wonderful places where you historically have been able to hear people like Art Blakey. I was able to see Max Roach in Baltimore once at a jazz festival. I am a fan of Charlie Parker's and of Miles Davis. They are great jazz musicians. I think all musicians respected Miles Davis as one of the greatest influences on their lives regardless of whether they were rockers or whether they were blues musicians or jazz performers.

I thank the chairman for his appreciation of what is a uniquely American cultural achievement, one that the world holds dear and respects America for. The appreciation of jazz is an art form that is being lost to our students. It is one that needs to be taught in our schools and that needs to be maintained as a living and breathing expression of the American art industry.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute merely to say that I appreciate the gentleman from Tennessee because an earlier jazz started in his State, in Memphis and in Nashville. The roots of it were embedded in the modern jazz of the music that we reaffirm today as a national treasure.

Before I yield back the balance of my time, because I studied music as a young person, I owe these musicians a debt of gratitude because it was they who recommended that I go to law school, so I am grateful to them for helping my career.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House in recognizing the 50th anniversary of Miles Davis' ground breaking recording, Kind of Blue. I would also like to thank Representative CONYERS for his spirited commitment to preserving the American art form known as jazz. I urge my colleagues to support this important resolution.

Mr. Speaker, 50 years ago, Miles Davis brought together six gifted musicians, Bill Evans, Cannonball Adderley, Paul Chambers, John Coltrane, Wynton Kelly, and Jimmy Cobb. These men, who we now revere as jazz legends, under Davis' lead, fashioned the best selling jazz album of all time. It is no wonder that Kind of Blue is ranked as the 12th greatest albums of all time by Rolling Stone Magazine. Selling more than 4 million copies to date, Kind of Blue changed the shape of jazz through the buzz of Davis' trumpet and his focus on musical modes. The album's influence on popular music throughout the years cannot be overstated. Musicians including Quincy Jones, Duane Allman, Q-tip, and Pink Floyd have cited the jazz standards of Kind of Blue as a musical inspiration, and as a musician, I was also inspired by the stylistic melodies of Kind of Blue.

Mr. Speaker, as Kind of Blue continues to introduce listeners around the world to jazz music and the genius of Miles Davis, let us not forget the importance of jazz education and music appreciation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 894.

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. CONYERS. 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.

HUMAN RIGHTS ENFORCEMENT ACT OF 2009

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1472) to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1472

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 ''Human Rights Enforcement Act of 2009''.

SEC. 2. SECTION TO ENFORCE HUMAN RIGHTS LAWS.

(a) REPEAL.—Section 103(h) of the Immigration and Nationality Act (8 U.S.C. 1103(h)) is repealed.

(b) SECTION TO ENFORCE HUMAN RIGHTS LAWS.—Chapter 31 of title 28, United States Code, is amended by inserting after section 509A the following:

''§ 509B. Section to enforce human rights laws

''(a) Not later than 90 days after the date of the enactment of the Human Rights Enforcement Act of 2009, the Attorney General shall establish a section within the Criminal Division of the Department of Justice with responsibility for the enforcement of laws against suspected participants in serious human rights offenses.

''(b) The section established under subsection (a) is authorized to—

''(1) take appropriate legal action against individuals suspected of participating in serious human rights offenses; and

''(2) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

''(c) The Attorney General shall, as appropriate, consult with the Secretary of Homeland Security and the Secretary of State.

''(d) In determining the appropriate legal action to take against individuals who are suspected of committing serious human rights offenses under Federal law, the section shall take into consideration the availability of criminal prosecution under the laws of the United States for such offenses or in a foreign jurisdiction that is prepared to undertake a prosecution for the conduct that forms the basis for such offenses.

''(e) The term 'serious human rights offenses' includes violations of Federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 1091, 2340, 2340A, 2441, and 2442 of title 18, United States Code.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of the title 28, United States Code, is amended by inserting after the item relating to section 509A the following:

''Sec. 509B. Section to enforce human rights laws.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENOCIDE.—Section 1091 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking '', in a circumstance described in subsection (d)''; and

(B) by striking ''or attempts to do so,'';

(2) in subsection (c), by striking ''in a circumstance described in subsection (d)'';

(3) by striking subsection (d) and (e); and

(4) by inserting after subsection (c) the following:

''(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

''(e) JURISDICTION.—There is jurisdiction over the offenses described in subsections (a), (c), and (d) if—

''(1) the offense is committed in whole or in part within the United States; or

''(2) regardless of where the offense is committed, the alleged offender is—

''(A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

''(B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

''(C) a stateless person whose habitual residence is in the United States; or

''(D) present in the United States.

''(f) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.''.

(b) IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(3)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(ii)) is amended by striking ''conduct outside the United States that would, if committed in the United States or by a United States national, be''.

(c) APPLICABILITY.—The amendments made by subsections (b), (c), and (d) of the Child Soldiers Accountability Act of 2008 (Public Law 110–340) shall apply to offenses committed before, on, or after the date of the enactment of the Child Soldiers Accountability Act of 2008.

(d) MATERIAL SUPPORT FOR GENOCIDE OR CHILD SOLDIER RECRUITMENT.—Section 2339A(a) of title 18, United States Code, is amended by—

(1) inserting '', 1091'' after ''956''; and

(2) striking '', or 2340A'' and inserting '', 2340A, or 2442''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. 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 on the bill under consideration.

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

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, Members of the House, S. 1472 is an effort to improve our ability to identify and prosecute human rights abusers. It enhances the Justice Department's efforts to hold perpetrators of atrocities accountable, and it will help ensure that war criminals do not find a safe haven in our country.

This act would combine the two offices in the Justice Department with jurisdiction over human rights to create a new, consolidated human rights section. It would merge the Office of Special Investigations with the domestic security section, which has jurisdiction over human rights crimes. This would allow more efficiency and effective enforcement in a combination that would improve the use of our resources and that would give one section the necessary expertise and jurisdiction to prosecute or to denaturalize perpetrators of serious human rights crimes. It also amends a section of the Immigration and Nationality Act, and it makes several technical and conforming amendments needed in light of the enactment of other laws.

I commend the authors of this legislation, Senators DICK DURBIN and TOM COBURN, who are the chairman and the ranking member of the Senate Human Rights and the Law Subcommittee, and the ranking member of the Judiciary Committee in the House, Mr. SMITH.

I reserve the balance of my time.

Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, I support S. 1472, the Human Rights Enforcement Act of 2009. This bipartisan legislation was recently passed by unanimous consent in the Senate. The bill is now before this body for consideration.

The first goal of this legislation is to provide technical corrections to the Genocide Accountability Act, which was signed into law by President Bush in 2007.

Before that act passed, genocide was only a violation of Federal criminal law if it was committed within the United States or by a U.S. national outside the United States. The act closed this loophole by allowing the prosecution of non-U.S. nationals found in the United States for genocide perpetrated outside the U.S.

The second goal of this legislation is to create a new section at the Department of Justice to consolidate prosecutorial authority over most Federal criminal and immigration human rights offenses.

Currently, the responsibility for enforcing these statutes rests within the Office of Special Investigations, or OSI; OSI was created in 1979 to hunt down Nazi war criminals who secretly lived in the United States. After discovering war criminals within the U.S., OSI used administrative procedures to denaturalize, deport or remove them. In 1994, Congress statutorily directed OSI to also investigate and denaturalize individuals who participated in genocide, torture or extrajudicial killings.

Right now, OSI does not have prosecution authority. Instead, it works with attorneys and other components of the Department to prosecute those cases in which a violation of Federal criminal law can be shown. This legislation expands OSI's jurisdiction to enable it to prosecute and enforce Federal criminal human rights laws and to consolidate those efforts into one office.

I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to stand before you today in support of S. 1472 to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

This bipartisan legislation would make it easier for the Justice Department to hold accountable human rights abusers who seek safe haven in the United States. The end of the 20th century and the beginning of the current 21st century have seen ongoing human rights atrocities all over the globe, such as Burma, Sudan, and Bosnia. While an increasing number of perpetrators of such human rights abuses are held accountable in international or state tribunals, many have escaped accountability for their crimes. Some of these human rights abusers have even fled to the United States.

As a representative of the state of Texas, I understand the urgency of creating an effective mechanism for investigating human rights violators that seek to hide out here in the United States. In a 2008 report, retired five-star General Barry McCaffrey warned of a refugee catastrophe that could greatly affect the state of Texas. General McCaffrey warns that ''Mexico is on the edge of abyss'' and that ''it could become a narco-state in the coming decade.'' According to General McCaffrey's report, there could be a surge of millions of refugees crossing the U.S. border. Those millions will almost certainly include individuals who have committed human rights violations in Mexico. And those individuals must be held accountable for their actions.

How the United States treats suspected perpetrators of human rights abuses sends an important message to the world about our commitment to human rights and the rule of law.

The United States has a rich history of protecting human rights and holding violators of such rights accountable. Over 60 years ago, the U.S. led efforts to prosecute Nazi perpetrators at the Nuremberg Trials. The U.S. also supported the prosecution of human rights crimes before the International Criminal Tribunal for the former Yugoslavia, the Special Court of Sierra Leone, and the International Criminal Tribunal for Rwanda. But, the United States must do more. The U.S. must make a stronger effort to hold those human rights violators who have found safe haven in the United States accountable for their atrocities.

The Human Rights Enforcement Act would seek to build on the foundations already laid by creating a section inside the Department of Justice's Criminal Division that would focus entirely on enforcing human rights laws. The bill combines the Office of Special Investigations, whose work includes investigating and denaturalizing human rights offenders and the Domestic Security Section, which has broad jurisdiction over human rights violations. This consolidation allows for the Department of Justice to more effectively utilize law enforcement resources to investigate and, where necessary, prosecute, denaturalize, or deport human rights offenders.

The rule of law and human rights are fundamental American values. In accordance with those values, the United States has a rich history of leading the promotion of human rights worldwide. We have a responsibility to set an

example for the rest of the world by demonstrating our commitment to end human rights atrocities and hold perpetrators accountable.

Mr. Speaker, I strongly encourage all of my colleagues to join me in support of S. 1472.

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

Mr. CONYERS. 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 Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1472.

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. CONYERS. 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.

RECOGNIZING A. PHILIP RANDOLPH FOR HIS LIFELONG LEADERSHIP AND WORK TO END DISCRIMINATION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 150) expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 150

Whereas A. Philip Randolph was born April 15, 1889;

Whereas A. Philip Randolph was in New York during the height of the Harlem Renaissance and was a student in politics and economics at City College, which served as the intellectual center of the movement;

Whereas A. Philip Randolph was the cofounder of The Messenger in 1917, a widely read and respected magazine known for its radical persuasion;

Whereas A. Philip Randolph was the leader of the successful movement to organize the Pullman Company (one of the most powerful businesses in the Nation) which led to the formation of the Brotherhood of Sleeping Car Porters (BSCP), an organization that advanced the claims of African-Americans to dignity, respect, and a decent livelihood;

Whereas A. Philip Randolph was selected by the porters at the Pullman Company as a representative because he was a good orator and a tireless fighter for the rights of African-Americans and was dedicated to the porters' cause for over a decade;

Whereas A. Philip Randolph was able to gain an international charter from the American Federation of Labor (now AFL–CIO) after Franklin Roosevelt's New Deal legislation forced the Pullman Company to negotiate with the Brotherhood, and was able to successfully negotiate the first-ever contract between a company and a black union, in 1937;

Whereas A. Philip Randolph was one of the central figures speaking out for African-American rights during the 1930s and 1940s and focused on labor and employment issues;

Whereas A. Philip Randolph was a leader in the movement challenging discrimination in defense industry jobs and used the threat of a march on Washington as part of an effort to lobby President Roosevelt to sign an executive order banning discrimination within the Government and the defense industries;

Whereas A. Philip Randolph was, in 1947, a leader in the movement to end segregation in the military and called for African-Americans to refuse to register for the draft until these practices were ended and was successful in this effort, which saw President Truman issue an executive order barring discrimination in the military on July 26, 1948;

Whereas A. Philip Randolph was the leading force behind the March on Washington for Jobs and Freedom and worked with many old friends and foes of his earlier labor struggles to ensure the success of the event, which took place on August 28, 1963, drew a crowd of over 250,000 people, and was the occasion of a meeting with President Kennedy and Dr. Martin Luther King, Jr.; and

Whereas A. Philip Randolph died in 1979 as an elder statesman of the civil rights movement, a much admired figure and role model for the young people of this Nation: Now, therefore, be it:

Resolved, That it is the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. 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 resolution under consideration.

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

There was no objection.

Mr. CONYERS. I yield myself as much time as I may consume.

Mr. Speaker, I am especially pleased to rise in support of this resolution honoring the life and work of A. Philip Randolph, whom I have had the privilege of meeting and working with indirectly.

I am pleased to be a cosponsor of the resolution with the chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL), who introduced it.

A. Philip Randolph was a towering figure in the movement for social justice in this country, particularly in the fields of labor and civil rights. He is principally noted for his efforts in organizing the Brotherhood of Sleeping Car Porters on trains, porters who were all African Americans in the middle 20th century and earlier. There were nearly 10,000 of them who had never been unionized before. He was able to do that. Finally, he worked out a contract in 1937 with Pullman, and then went to the AFL–CIO where they were able to gain an international charter. That was his major contribution.

Yet, to me, what was so important was the work that he did with Dr. Martin Luther King, Jr., because it was he who, with Bayard Rustin, organized the march on Washington for jobs and freedom on August 28, 1963. I was a lawyer who was at that march. It was the first one which drew over 200,000 people and which had a great effect on our moving to enact the Civil Rights Act of 1964.

There are books about him, but the story that I like to tell is about the time that he challenged President Roosevelt to end the desegregation in the military and in the military factories, which were the industries that were making war materials. In a historic meeting with President Roosevelt, President Roosevelt acknowledged the validity of his struggle, but then he said something prophetic. He said, Make me do it.

Amazingly, Randolph, after a period of time, assembled a huge number of people to march on Washington. As they got ready to march, word came from the White House that the President would accede to his demand, and he gave an executive order banning racial discrimination in the government and in the factories. That has been told many times over.

□ 1130

I am indebted to the chairman of the Ways and Means Committee. Randolph worked out of New York and I am hopeful that Chairman RANGEL may have met him and knew him as well.

Mr. Speaker, I reserve the balance of my time and urge support for the resolution.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Resolution 150, which recognizes Asa Philip Randolph for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

Mr. Randolph was a leading champion of fairness in the 20th century. He is one of the most well-known trade unionists of his time and he helped found the modern civil rights movement.

Mr. Randolph moved to the Harlem district of New York City in 1911, where he organized black voters in favor of labor rights. In 1917 he cofounded a magazine, The Messenger, calling for more positions for black Americans in the war industry and the Armed Forces.

In 1925, Mr. Randolph organized the Brotherhood of Sleeping Car Porters. This was the first serious effort to form a labor institution for the employees of

the Pullman Company, which was one of America's most powerful companies and a major employer of black Americans. The Pullman Company later negotiated with the Brotherhood in 1935 and agreed to a contract with them in 1937, winning pay increases, shorter workweeks and overtime pay for their employees.

In 1941, Mr. Randolph proposed a march on Washington to protest racial discrimination in war industries and to propose the desegregation of the American Armed Forces. The march was canceled after President Franklin Roosevelt issued Executive Order 8802, which called for an end to discrimination in defense industries and government on the basis of race, creed, or national origin.

Mr. Randolph's nonviolent efforts led to the signing of another executive order on July 26, 1948, this time signed by President Truman to ban discrimination and segregation in the Armed Forces.

In addition to these accomplishments, Mr. Randolph was an active participant in a number of organizations and causes, including the Leadership Conference on Civil Rights, which he cofounded, and the Workmen's Circles. He also formed the A. Philip Randolph Institute for community leaders to study the causes of poverty.

Mr. Randolph has been called ''the towering civil rights figure of the period'' in which he lived, ''the dean of American civil rights leaders'' and ''among the first leadership of the Labor movement.'' He fought for more than a half-century on behalf of the poor and deprived, securing rights not just for black workers but for employees of all races and nationalities.

I urge my colleagues to join me in supporting this resolution.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in recognizing the life and work of intellectual, activist and community organizer A. Philip Randolph. As a member of the House Judiciary Committee, I strongly support H. Res. 150, which provides Congress with an opportunity to recognize important issues such as civil rights, labor rights, and the struggle for racial equality, to which A. Philip Randolph devoted his life, and which continue to have relevance today. I encourage my colleagues to support this important resolution.

A. Philip Randolph was born on April 15, 1889 in Crescent City, Florida. He was a student of politics and economics at City College during the Harlem Renaissance. In 1917, Randolph co-founded ''The Messenger,'' a widely respected political and literary magazine which campaigned against the horrors of lynching and segregation. Deeply concerned not only with African American rights, but also labor and employment issues, he organized a union of elevator operators in New York in the same year. In 1925 he organized the Brotherhood of Sleeping Car Porters, a labor union which advanced African American claims to respect, dignity and a decent livelihood. He used the threat of a march on Washington as part of a successful lobbying effort to abolish racial discrimination in the national defense industry which led President Roosevelt to sign Executive Order 8802, or the Fair Employment Act in 1941—the first Federal Law to prohibit employment discrimination in the United States. In 1947, Randolph led a successful movement to end segregation in the armed forces, which prompted President Truman to issue Executive Order 9981 on July 26, 1948, establishing equality of treatment and opportunity in the Armed Services. In 1963, Randolph initiated and organized the March on Washington for Jobs and Freedom where Martin Luther King, Jr. of my home State of Georgia delivered his ''I Have a Dream'' speech, and which helped pass the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Throughout his life, A. Philip Randolph demonstrated the kind of moral courage worthy of our gratitude and support. His activism and his commitment to social justice consisted not in holding society to a moral standard that is external to it, but rather in demanding that society take seriously its own idea of freedom on which it intrinsically depends. Although much progress has been made since Randolph's death in 1979, the gap which he fought to overcome, between what we are and what we can be, between society and its potential, remains today as it did in his lifetime. His leadership in the civil rights movement and his lifelong efforts to secure equal labor opportunities for all Americans make him a positive role model, not only for young people, but for all of the citizens in this great Nation.

Mr. DAVIS of Illinois. Mr. Speaker, no one can start a new beginning, but anyone can start today and make a new ending. A. Philip Randolph was one of the many to make a new ending for not just himself, but the world around him. A. Philip Randolph was a prominent twentieth-century African-American civil rights leader and the founder of both the March on Washington Movement and the Brotherhood of Sleeping Car Porters, a landmark for labor and particularly for African-American labor organizing. Inspired from the writing of W.E.B. Dubois, Souls of Black Folk; this graduate of Bethune-Cookman College and son of an A.M.E. preacher took his beliefs and made them manifest through serving others.

Randolph had some experience in labor organization, having organized a union of elevator operators in New York City in 1917. In 1925 Randolph organized the Brotherhood of Sleeping Car Porters. This was the first serious effort to form a labor institution for the employees of the Pullman Company, which was a major employer of African-Americans. With amendments to the Railway Labor Act in 1934, porters were granted rights under federal law, and membership in the Brotherhood jumped to more than 7,000. After years of bitter struggle, the Pullman Company finally began to negotiate with the Brotherhood in 1935, and agreed to a contract with them in 1937, winning $2,000,000 in pay increases for employees, a shorter workweek, and overtime pay. Randolph maintained the Brotherhood's affiliation with the American Federation of Labor through the 1955 AFL–CIO merger.

Randolph was also responsible for the organization of the March on Washington for Jobs and Freedom on August 28, 1963 with the help of Rustin and Martin Luther King, Jr. The Civil Rights Act of 1964 is often attributed in part to the success of the March on Washington, where Black and White Americans stood united and witnessed King's ''I Have a Dream'' speech. As the U.S. civil rights movement gained momentum in the early 1960s and came to the forefront of the nation's consciousness, his rich baritone voice was often heard on television news programs addressing the nation on behalf of African-Americans engaged in the struggle for voting rights and an end to discrimination in public accommodations. He was also an active participant in many other organizations and causes, including the Workmen's Circle and others.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am pleased to stand before you today in support of H. Res. 150, expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans.

A. Philip Randolph was born on April 15, 1889, in Crescent City, Florida. In 1917, Randolph co-founded The Messenger, a widely read and respected magazine known for its radical persuasion.

Randolph was perhaps most widely known for his work advocating for the rights of workers, and working to end employment discrimination. Randolph worked tirelessly on behalf of African American workers in forming the ''Brotherhood of Sleeping Car Porters'' (BSCP), an organization designed to advance the claims of African Americans to dignity, respect and a decent livelihood. After Franklin Roosevelt's New Deal forced the Pullman Company to negotiate with the BSCP in 1937, Randolph successfully negotiated the first-ever contract between a company and a black union.

Randolph became one of the most widely known spokespersons for the African American working class in America. In 1940, after Franklin Roosevelt refused to issue an executive order banning discrimination against black workers in the defense industry, Randolph called for 100,000 African Americans to march on Washington, DC. Support for Randolph's march grew so wide that President Roosevelt was forced to issue an executive order on June 25, 1941 declaring ''there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color or national origin.''

Randolph's legacy of working for labor opportunities and employment justice is alive and thriving today. In my home town of Houston, Texas, students at the University of Houston have carried on the torch of justice for laborers in founding the University of Houston Students Against Sweatshops. These students organized the largest boycott of modern student activism against Russell Athletic, due to labor violations in their factory in Honduras. Thanks to the student effort, Russell has recently agreed to meet worker demands and improve labor conditions for its 1200 workers.

The above example is a testament to the lasting and widespread effects of Randolph's work. As a champion for African American laborers, Randolph was able to shape our nation's values on employment and equality. Today, students from all over the country, including my home state of Texas, have picked up the torch in support of labor rights worldwide.

I ask my colleagues to stand with me in support of H. Res. 150.

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

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 150.

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. CONYERS. 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.

PHONE ACT OF 2009

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1110) to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1110

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 ''Preventing Harassment through Outbound Number Enforcement Act of 2009'' or the ''PHONE Act of 2009''.

SEC. 2. CALLER ID SPOOFING.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Caller ID spoofing

''(a) OFFENSE.—Whoever, in or affecting interstate or foreign commerce, knowingly uses or provides to another—

''(1) false caller ID information with intent wrongfully to obtain anything of value; or

''(2) caller ID information pertaining to an actual person or other entity without that person's or entity's consent and with intent to deceive any person or other entity about the identity of the caller;

shall be punished as provided in subsection (b).

''(b) PUNISHMENT.—Whoever violates subsection (a) shall—

''(1) if the offense is a violation of subsection (a)(1), be fined under this title or imprisoned not more than 5 years, or both; and

''(2) if the offense is a violation of subsection (a)(2), be fined under this title or imprisoned not more than one year, or both.

''(c) LAW ENFORCEMENT EXCEPTION.—This section does not prohibit lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under chapter 224 of this title.

''(d) FORFEITURE.—

''(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

''(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

''(B) any equipment, software or other technology used or intended to be used to commit or to facilitate the commission of such offense.

''(2) PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in Rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

''(e) DEFINITIONS.—In this section—

''(1) the term 'caller ID information' means any identifying information regarding the origination of a telephone call, including the name or the telephone number of the caller, that is transmitted with the telephone call;

''(2) the term 'telephone call' means a call made or received using any real time voice communications service, regardless of the technology or network used; and

''(3) the term 'State' includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

''1041. Caller ID spoofing.''.

SEC. 3. OTHER SPECIFIED UNLAWFUL ACTIVITIES FOR MONEY LAUNDERING.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1037 (relating to fraud and related activity in connection with electronic mail), section 1041 (relating to caller ID spoofing),'' before ''section 1111''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members 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 Michigan?

There was no objection.

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

Mr. Speaker and Members, this measure is aimed at the deceptive telephoning practice called ''spoofing,'' where a fake caller ID is used to hide one's true identity. Sometimes it can mean simply using the caller ID of another person or business without permission, but sometimes the purpose is to commit fraud or identity theft. Call recipients are sometimes tricked into divulging private, personal information to the spoofer. For example, the AARP has reported cases in which people received calls falsely telling them that they missed jury duty and they were told to avoid prosecution they needed to provide their Social Security number. The phone number that appeared on their caller ID was from the local courthouse, so people assumed that the call was made truthfully.

Recently, the technology needed to spoof has become readily available through the purchase of Internet telephone equipment, or through Web sites specifically set up for that purpose.

The measure before us today prevents this activity on two levels, with penalties that fit the seriousness of the offense. For providing the caller ID information of another person without consent with the intent to deceive, the penalties are fines and up to 1 year in prison; for providing false caller ID information with the intent to wrongfully obtain something of value, the penalties are fines and up to 5 years imprisonment. In addition, the bill provides for forfeiture of equipment used and proceeds gained by those involved in this activity.

Because it can be used for legitimate law enforcement and intelligence purposes, the bill allows spoofing for lawfully authorized activities of law enforcement. It also does not prohibit the simple use of a fake number to hide the caller's number. Many businesses have opted to use this feature to protect against abusive call-backs. As a matter of fact, the House uses this feature on calls to outside lines. This non-malicious practice is not intended to be reached by the legislation before us.

Finally, I note that the bill was developed in previous Congresses on a bipartisan basis, and I commend my ranking member and the entire Judiciary Committee for the work that has gone into this measure. I urge its support, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1110, the Preventing Harassment Through Outbound Number Enforcement Act, or PHONE Act, addresses caller ID spoofing.

Spoofing is a ploy for obtaining a victim's personal and financial information to commit identity theft and other similar fraud. It involves masking caller ID information to make a fraudulent telephone call to a recipient. Those who engage in spoofing use incorrect, fake or fraudulent caller identification to hide their identity and then obtain personal information from the victim. Call recipients unwittingly divulge their names, addresses or Social Security numbers under the mistaken belief that the caller represents a bank, a credit card company or even a court of law. All too often, a person does not know that their identity has been stolen until it's too late and the damage has been done. This legislation will help law enforcement officials stop identity thieves by cutting off their means of obtaining personal information.

Spoofing not only victimizes the phone call recipient but also invades the privacy of those individuals whose

caller ID is used to mask the fraudulent calls. To address this, the PHONE Act specifically prohibits the use of an actual person's caller ID information for spoofing.

Although the technology needed to spoof has been available for some time, it previously required specialized equipment. Now an identity thief can simply purchase Internet telephone equipment or use a Web site specifically set up for spoofing.

The PHONE Act imposes penalties for modifying a caller ID with the intent to deceive the recipient of a telephone call as to the identity of the caller. This legislation will help deter telephone fraud, protect consumers from harassment, and protect consumers and their personally identifiable information from identity thieves. Similar legislation passed the House with bipartisan support in the last two Congresses. I urge my colleagues to join all of us in supporting this bill.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 1110, the Preventing Harassment through Outbound Number Enforcement, "PHONE," Act of 2009. I strongly support this important piece of legislation that aims to protect Americans from spoofing.

Spoofing involves the use of a false caller ID to hide the caller's true identity in order to commit fraud or some other abusive act. The PHONE Act of 2009 targets spoofing by prohibiting the use of caller ID information to hide the caller's true identity in order to wrongfully obtain anything of value or to commit other abusive acts. In recent years, spoofing technology has become readily available through Internet telephone equipment and Web sites specifically set up to spoof. Because call recipients are under the impression that the telephone call is legitimate, they sometimes divulge personal and private information to the spoofer. Identity thieves have used spoofing to mislead call recipients into revealing personal financial information to commit identity theft, fraudulently authorize stolen credit cards, and to arrange for fraudulent money transfers.

According to the Federal Trade Commission's 2008 Identity Theft Consumer Complaint Data, Georgia ranked 7, out of the 50 States, for identity theft complaints. Last year, Georgians made 10,748 identity theft complaints. The Federal Trade Commission calculated that 111 complaints were made for every 100,000 Georgia residents.

I join the Chairman in urging my colleagues to support this bill. This legislation can protect constituents in my district from identity thieves who use spoofing as their vice.

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

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 1110, 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. CONYERS. 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.

RECOGNIZING 70TH ANNIVERSARY OF RETIREMENT OF JUSTICE LOUIS D. BRANDEIS

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 905) recognizing the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 905

Whereas the United States Supreme Court has played a fundamental role in interpreting the Nation's laws;

Whereas Louis D. Brandeis, born in Louisville, Kentucky, on November 13, 1856, led a selfless career as a practicing lawyer helping to create the pro bono tradition in the United States through his devotion to public causes, becoming known as the ''people's lawyer'' for challenging the power of railroad, bank, and insurance company monopolies;

Whereas Justice Brandeis was nominated an Associate Justice of the Supreme Court by appointment of President Woodrow Wilson and confirmed by the United States Senate in 1916 as the first Jewish Justice of the Supreme Court;

Whereas Justice Brandeis vastly contributed to constitutional jurisprudence, particularly in the areas of free speech, right to privacy, labor relations, and women's suffrage;

Whereas through the marshalling of evidence and development of the doctrine of judicial notice, Justice Brandeis concerned himself as a citizen, attorney, and Justice of the Supreme Court with the power and role of education in the Nation's democracy;

Whereas Justice Brandeis supported the University of Louisville and its law school (named the Louis D. Brandeis School of Law in 1997) by contributing funding and his personal papers and ensuring that the law school library received Supreme Court briefs for its archives;

Whereas Justice Brandeis provided the role model for public service which served as the inspiration for the University of Louisville adopting a public service requirement for all students;

Whereas Justice Brandeis resigned from the Supreme Court 70 years ago in 1939; and

Whereas, to this day, schools, universities, the United States Postal Service, and other institutions remember the name of Justice Brandeis and commemorate his service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 70th anniversary of Justice Louis D. Brandeis's retirement from the United States Supreme Court and the significant contribution he made in United States Supreme Court jurisprudence; and

(2) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to the University of Louisville Louis D. Brandeis School of Law for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which 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 Tennessee?

There was no objection.

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

Mr. Speaker, this resolution honors Louis D. Brandeis, one of America's greatest jurists and legal minds, on the occasion of the 70th anniversary of his retirement from the United States Supreme Court.

In any listing of great Supreme Court justices, Brandeis would have to be among one of the top three. Among his lasting accomplishments, he has greatly influenced constitutional jurisprudence, especially in the areas of labor relations, free speech, right to privacy, and women's suffrage.

Louis Brandeis was born in Louisville, Kentucky, to Jewish parents who had emigrated from Europe, having come from Bohemia after the Bohemian Revolution trying to create Bohemia as an independent state in the 1850s.

After graduating from Harvard Law School at age 20 with the highest grade average in the college's history, he embarked on a legal career in which he devoted so much of his time and energy to important social justice causes—often pro bono—that he became widely known as ''the people's lawyer.'' Indeed, he pioneered the pro bono legal tradition. In a ranking of lawyers in America, he would have to rank among the top 10, independent of his 23-year service on the United States Supreme Court. He was allowed to enter Harvard Law School even though he wasn't a high school graduate, and he graduated prior to the requisite age of 21 and he was given his degree by special resolution.

His significant contributions are so numerous that it would be impossible to discuss them all, but I will mention a few. In 1890, he and his law partner, Samuel Warren, published an article in the Harvard Law Review entitled The Right to Privacy, which is credited with creating the foundation for that right in American constitutional law. Brandeis felt one of the most significant parts of the American experience was people's right to be left alone and that's where the right to privacy came into his thinking as he expressed it in his law work.

He took on the life insurance industry and J.P. Morgan's railroad monopoly. He was a leading advocate for stronger labor protections. He was a strong advocate for States having the opportunity to go into new endeavors and said that the States were the laboratories of democracy; that we had a number of States—today 50, less when he was serving on the Supreme Court—but that each had the opportunity to try some particular new idea and see if it worked so the other States could rely on the work of that State to see whether it should expand and be used throughout the country.

□ 1145

The laboratories of democracy were important as States, such as California, looked at medical marijuana and the other States could then learn, and that spread throughout 12 or 13 other States, but there was an opportunity to learn, rather than doing it all at one time and seeing if one policy fit the whole Nation. He was a chief economic adviser to President Woodrow Wilson, and helped develop the Federal Reserve Act and the Federal Trade Commission Act. In 1916 President Wilson nominated him for the Supreme Court. He became the first Jewish Supreme Court Justice, where he continued his work on great legal issues and left a lasting legacy in American jurisprudence.

Unfortunately, in his confirmation hearing, anti-Semitism was one of the issues that came about and was raised in the Senate. But our country overcame that, and he became the first Jewish Supreme Court Justice.

Through this resolution we recognize and celebrate the 70th anniversary of the retirement of Justice Brandeis from the United States Supreme Court, and remember, with deep gratitude, his many contributions to our Nation's life and to the founding also of the State of Israel.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 905, which recognizes the 70th anniversary of the retirement of Justice Louis Brandeis from the U.S. Supreme Court. There is no doubt he was a brilliant man, and he believed the law was best served as a vehicle to correct injustices, rather than a gateway to make money.

Justice Brandeis was born in Louisville, Kentucky, in 1856, the son of Jewish immigrants from Prague, now in the Czech Republic. He excelled in the public schools of his hometown and later studied in Germany. He grew up in a refined and engaged household in which history, politics, and culture were discussed regularly at the dinner table. I might add that one of his early influences was his uncle, Lewis Dembitz, who I'm proud to note attended the Republican Party Convention in 1860 that nominated Abraham Lincoln as President of the United States.

He enrolled in Harvard Law School at age 19, studied so hard that his eyesight failed. Rather than quit school, he paid fellow students to read his textbooks out loud so he could memorize their content. He graduated with the highest grade point average in the history of Harvard Law School at that time. He was best known for his work as a lawyer and justice, and while he eventually earned good money practicing law, he devoted most of his professional life to public causes.

He argued cases and wrote treatises on privacy, labor relations and antitrust matters, and he assisted the Wilson administration in crafting the Federal Reserve Act and the Federal Trade Commission. He served on the Supreme Court for 23 years and issued seminal opinions on many of the subjects that consumed him as a lawyer.

And yes, he did believe in States being the laboratories of democracy. I enjoyed the gentleman's comments of reference to my home State of California and, I might say, rather than choose the subject he chose as an example of California being one of those laboratories, I would suggest Proposition 13, or perhaps three strikes and you're out, as guiding lights to the rest of the Nation as to how we ought to organize ourselves. Unfortunately, my home State has forgotten some of those messages in the recent past.

Mr. Speaker, Justice Brandeis was not without his critics, but this is not the time nor the place to air old grievances. Rather, we're here to honor a man, and so I would use somebody else as a reference point, William O. Douglas, who described Justice Brandeis as being ''dangerous because he was incorruptible.''

I urge the Members to support H. Res. 905.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield as many minutes as the gentleman from Kentucky (Mr. YARMUTH) needs. Mr. YARMUTH is the genesis of this particular resolution. He hails from the same city that Justice Brandeis did and brings this to memorialize this man's great talents.

Mr. YARMUTH. Mr. Speaker, in Louisville we are proud of many of the great things our most legendary residents have achieved. From Muhammad Ali's success in and out of the boxing ring to Diane Sawyer's groundbreaking work in journalism to Harlan Sanders' achievements as an entrepreneur, there's evidence of their legacies throughout our community. It's in the stories we tell, it's found in the history embedded in our neighborhoods, and it's seen on the banners hung in their honor throughout town. We are proud that our city has been home to people who have changed the world in the realms of athletics, literature, art, music, business, and, in the case of the man we are celebrating today, law.

Louis D. Brandeis was born in Louisville, Kentucky, in 1856, the son of immigrants, and it was to Louisville that he would return throughout his life. It was from the cradle of the burgeoning immigrant communities of 19th-century Louisville that Brandeis began his distinguished career. He excelled first at Louisville's Male High School and then Harvard Law before beginning a successful career as a lawyer and academic. That led, in 1916, to the bench of the United States Supreme Court, when he was nominated by Woodrow Wilson as the first Jewish Justice.

The achievements of Justice Brandeis, however, go far beyond breaking that ground. His legacy as a jurist and litigator has had a long-standing impact, not just in the courtrooms and law books but in the lives of every American citizen. His accomplishments were far-ranging, and their influence resonates today and will do so far into the future.

To those of us who treasure the First Amendment and its protection of free speech, we can thank the work of Louis Brandeis. To those who value the extension of equal rights to all Americans, we can thank Louis Brandeis. The right to privacy, groundbreaking work in the field of labor relations, successful challenges to once powerful corporate monopolies, the list is long and establishes Justice Brandeis' career as one well-deserving of our recognition in this House, a recognition he has not yet received in the 70 years since he retired from the Supreme Court.

The work of Louis Brandeis deserves not just our honor but our attention. Though the battles we fight today may have changed from those of Brandeis' era, his work is rich and relevant for all of us involved in lawmaking. When few others would, Brandeis took on the powerful monopolies that caused economic havoc during the first half of the 20th century. He was continuously skeptical of large banks and their relationship to corporations whose failure could threaten the entire economy, and he helped develop the Federal Reserve Act of 1913 which clamped down on the banking industry's most egregious practices.

In his book, ''Other People's Money: And How the Bankers Use It,'' and in a series of columns, Brandeis warned his contemporaries of the dangers posed by massive financial corporations accumulating resources and using them irresponsibly, lessons that forewarned the economic crisis we faced in this country just last year. As a litigator, educator, philanthropist, and jurist, Louis Brandeis did nothing short of ensuring that the rights we now regard as commonplace would endure. His contributions are those for which the entire country should be grateful, and his legacy is something for which all of us in Louisville can be proud. In fact, his legacy in Louisville lives on at the University of Louisville, where the law school now bears the name of Justice Louis Brandeis.

I join Justice Brandeis' grandson, Frank Gilbert, and the rest of his family in urging my colleagues to support H. Res. 905, recognizing the 70th anniversary of the retirement of this legendary American educator, litigator, and jurist.

Mr. COHEN. I appreciate Mr. YARMUTH bringing this resolution and his comments. I reserve my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

It is interesting that we have heard of Justice Brandeis' commitment to the First Amendment. One can only wonder what he would think of the current state of interpretation of the First Amendment where, unfortunately, it appears that we give greater protection to nude dancing than we do to political speech.

One would hope that the Supreme Court, as we anticipate its decision in the most recent challenge to aspects of McCain-Feingold, might listen to some of the interpretations and wisdom of Louis Brandeis with respect to the essence of the First Amendment.

One would hope that we would, once again, regain the notion that protection of political speech is at the forefront of the First Amendment, not an afterthought to the First Amendment, and that when we have gone so far as to have someone representing the Solicitor General of the United States, responding to a question in the Supreme Court, saying in response to the question, So, the law would give you the right to ban books if they said what is contained in the script of the movie that the FEC believes it has the right to stop during the period of time before an election, the response from the representative of the executive branch was, yes. If we have come so far that banning books is seen as something allowed under the First Amendment because of the pursuit of purity in political campaigns, then we have lost sight of the First Amendment as understood and expressed by Louis Brandeis.

And so I would hope that as we look forward to the end of this year that we could look forward to a Supreme Court that comes to its senses and understands the essence of the First Amendment.

Once again, I would urge my colleagues to unanimously support this recognition on the 70th anniversary of the retirement from the Supreme Court of Louis Brandeis.

I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, indeed, Justice Brandeis had a great impact on this country, not only as a jurist, as we've mentioned, but as a lawyer. And one of his innovations was something called the Brandeis Brief, where not only were precedents used to make an argument but social data, factual data about changes in society to support the Court's positions.

Brandeis was not alive at the time of Brown v. Board of Education of Topeka, one of the great decisions of our Supreme Court, but it was a Brandeis Brief argument that was used to win that case, for there was little law on the subject that was favorable, but there was much social analysis and facts that helped the Court make its decision that separate, in fact, was not equal, and that we needed a change in this country that we had in 1954 that we're continuing to experience today.

Justice Brandeis had many quotes which were of great significance, one of which is inscribed in the walls of Congress, I think just beneath this Chamber on the first floor. If you look up towards the ceiling, The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding. That quote, which is inscribed on the walls of Congress, is one that I've long thought about, and people making arguments that sometimes are well meant but they take away from the rights that people should have in this country and freedoms.

□ 1200

Brandeis also said we can have democracy in this country or we can have great wealth concentrated in the hands of the few, but we can't have both. And that thought permeates much of what we debate in this Congress today and see as the differences in wealth grow greater and greater.

Indeed, Georgia O'Keeffe, one of my favorite painters, and Warren Zevon, one of my favorite songwriters, singers and friends, would appreciate this resolution today, for the right to be alone, the most comprehensive of rights and the right most valued by civilized man, was something Louis Brandeis espoused, as did O'Keeffe and Zevon. Justice Brandeis said the most political office is that of a private citizen. And I think we should all remember that.

Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 905.

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. COHEN. 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.

LAW STUDENT CLINIC PARTICIPATION ACT OF 2009

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4194) to amend title 18, United States Code, to exempt qualifying law school students participating in legal clinics or externships from the application of the conflict of interest rules under section 205 of such title.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4194

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 ''Law Student Clinic Participation Act of 2009''.

SEC. 2. LAW STUDENT CONFLICT OF INTEREST EXEMPTION.

Section 205 of title 18, United States Code, is amended by adding at the end the following:

''(j) Subsections (a) and (b) do not apply to a law student or legal clinic staff member participating in the legal clinic or externship of an accredited law school, with respect to a matter within the scope of the clinic or externship, unless—

''(1) the student or staff has participated personally and substantially in the matter as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise; or

''(2) the matter is pending in the department or agency of the Government in which the student is serving.''.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect upon the expiration of the 60-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members 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 Tennessee?

There was no objection.

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

Mr. Speaker, H.R. 4194 would address an unfortunate consequence of current law that hinders participation by law students in pro bono clinics, which limits the provisions of these needed services to the community. It is appropriate that this resolution follow that of Justice Brandeis, who really was the father of pro bono work.

Title 18, section U.S.C. 205 makes it a crime for a Federal Government employee to provide legal assistance to anyone bringing a case adverse to the United States or in bringing a case adverse to a substantial U.S. interest. Section 205(b) applies the same rule to employees of the District of Columbia.

For law school students or legal clinic staff who hold government jobs, this criminalizes participation in a wide range of political programs, including those funded by the Federal Government. Law students or legal clinic staff who are full- or part-time government employees face criminal penalties if they participate in law school pro bono

clinics that represent plaintiffs whose claims are adverse to the Federal or D.C. Governments. Yet this opportunity is important for students to learn their craft and become lawyers.

This disqualifies the law students from participation in many service activities that benefit both the students and the wider community, among them juvenile justice clinics, death penalty appeal projects, advocacy programs on behalf of parents with special needs children, and low-income taxpayer clinics.

This also has the perverse effect of forcing law students to choose between government service and community service. It also needlessly deprives government employees of a range of real-world educational experiences that would be particularly beneficial to them when they become lawyers. Just this year, this Congress passed the Edward Kennedy Service Act encouraging people to participate in public service, and this is another area where we should encourage it.

This is a misguided choice to force on law students, for they should be able to have both government and community service and be encouraged to do so. This bill will stop the law from forcing them to have this conflict.

Section 205 already contains an exemption that narrows the definition of ''conflict of interest'' to those instances of actual conflict: cases in which a government attorney substantially and personally participated as a government employee, and cases in which the employee's department or agency is currently directly participating.

By applying this exemption to law students and legal clinic staff, the bill will eliminate the pernicious effects of section 205 while retaining its safeguards against true conflict of interest. Law students and legal clinic staff would be able to participate in law school clinics that are, by their nature, adverse to the Federal or D.C. Government while continuing to prohibit actual conflicts of interest involving specific parties.

Law students and staff who choose government service would remain subject to governmental conflict of interest rules while also being permitted to enjoy the same clinical resources and opportunities as their peers.

I commend our colleague Congressman DAN LUNGREN from California for his leadership on this important bill, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4194, the Law Student Clinic Participation Act of 2009, makes a simple yet important change to Federal law so as to increase law students' access to clinics and other law school programs.

Nearly 44,000 law students nationwide will graduate this year from more than 200 law schools across this country. During their time in school, each of these students will study property, criminal, constitutional, and contract law, just to name a few. And these classes not only instruct the students on the relevant case law or statutes but also attempt to teach them how to think like a lawyer; that is, to analyze cases from a lawyer's perspective.

As important as that is, equally important are the clinical programs offered by virtually every law school in the country that teach students how to practice law. Clinical programs include prosecution and defense, appellate advocacy, including death penalty appeals projects, juvenile justice, and even tax assistance clinics. Yet, a little-known provision in Federal criminal law—Federal criminal law; that is, it makes is a crime—prevents certain law students from participating in these clinics. In other words, they would be subject to criminal penalties if they participated in these clinics. That is because section 205 of title 18 prescribes criminal penalties for government employees who provide outside legal assistance in a case against the United States or adverse to a substantial U.S. interest. Therefore, law school students, or even staff, who are also employed by the Federal Government, full time or part time, may be barred from participating in these valuable clinical programs.

The impact of this provision is perhaps no greater than right here in our Washington, D.C., metropolitan area, which is the home to over half a dozen law schools. It comes as no surprise that many of these schools' students are also Federal Government employees. Some of the schools have night programs, so the students work full time during the day and take classes at night. Many times they do work for the Federal Government or the D.C. Government, but because of their employment, they are, therefore, disqualified from participating in these extremely beneficial programs. This was most certainly not Congress' intent when it enacted section 205.

H.R. 4194, remedies this problem by extending an existing exemption within the statute to include Federal employee law students. The bill, therefore, appropriately allows students and staff to participate in clinics, including those that are adverse to the Federal or D.C. Governments; however—and this is important—the bill continues to prohibit any actual conflict of interest involving specific parties. Therefore, if the student or staff member is involved in a matter which would be a direct conflict of interest, they are not covered by this waiver. It would seem that this is a commonsense solution to provide those students employed by the government the same opportunities as other students.

I might say, Mr. Speaker, when this came to my attention, I thought that perhaps we could have a relatively simple, straightforward waiver or exemption to take care of this problem, which was unanticipated by the Congress when it passed the relevant law, and, therefore, I would urge my colleagues to join me in supporting this bill.

And if the gentleman from Tennessee has no other speakers, I would yield back the balance of my time.

Mr. COHEN. Mr. Speaker, we have no further speakers.

Mr. Speaker, I just want to thank Mr. LUNGREN for bringing this to us. It is important that the law students do have this opportunity and that the conflicts be real and not imagined. I would like to encourage a ''yes'' vote and would move that we pass the bill at this time.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 4194.

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. COHEN. 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.

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:

House Resolution 894, by the yeas and nays;

H.R. 1517, de novo;

H.R. 3978, de novo.

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

HONORING 50TH ANNIVERSARY OF THE RECORDING OF ''KIND OF BLUE''

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 894, 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 Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 894.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 971]

YEAS—409

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
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
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
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
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, 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
Pastor (AZ)
Paul
Paulsen
Payne
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
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
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
Tsongas
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)

NOT VOTING—25

Abercrombie
Barrett (SC)
Bishop (UT)
Bonner
Clay
Deal (GA)
Hastings (FL)
Heller
Herger
Hinchey
Hodes
Johnson (IL)
Johnson, Sam
Kilroy
LaTourette
Maffei
Moran (VA)
Murtha
Pascrell
Radanovich
Roskam
Salazar
Sanchez, Loretta
Shuler
Young (FL)

□ 1237

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. HELLER. Mr. Speaker, on rollcall No. 971, had I been present, I would have voted "yea."

AUTHORITY TO CONVERT CERTAIN OVERSEAS LIMITED APPOINTMENTS TO PERMANENT APPOINTMENTS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1517, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 1517, 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.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 1, not voting 19, as follows:

[Roll No. 972]

AYES—414

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
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
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
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)
Melancon
Mica

Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
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)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rehberg
Reichert
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)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
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
Tsongas
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)

NOES—1

Paul

NOT VOTING—19

Abercrombie
Barrett (SC)
Bishop (UT)
Bonner
Clay
Deal (GA)
Heller
Hinchey
Hodes
Johnson (IL)
Johnson, Sam
LaTourette
Murtha
Radanovich
Rangel
Salazar
Sanchez, Loretta
Shuler
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1245

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.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 972, had I been present, I would have voted "aye."

FIRST RESPONDER ANTI-TERRORISM TRAINING RESOURCES ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3978.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, H.R. 3978.

The question was taken.

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

RECORDED VOTE

Mr. HARE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 1, not voting 20, as follows:

[Roll No. 973]

AYES—413

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
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
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
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)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
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)
Paulsen
Payne
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
Reichert
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)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
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
Tsongas
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)

NOES—1

Paul

NOT VOTING—20

Abercrombie
Barrett (SC)
Bishop (UT)
Bonner
Cassidy
Clay
Deal (GA)
Heller
Hodes
Johnson (IL)
Johnson, Sam
LaTourette
Miller (NC)
Murtha
Radanovich
Salazar
Sanchez, Loretta
Shuler
Shuster
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1252

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 973, had I been present, I would have voted "aye."

Mr. CASSIDY. Mr. Speaker, on rollcall No. 973, I was unavoidably detained. Had I been present, I would have voted "aye."

LOCAL COMMUNITY RADIO ACT OF 2009

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1147) to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1147

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 ''Local Community Radio Act of 2009''.

SEC. 2. AMENDMENT.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106–553; 114 Stat. 2762A–111), is amended to read as follows:

''SEC. 632. (a) The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99–25, to—

''(1) prescribe protection for co-channels and first- and second-adjacent channels; and

''(2) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

''(b) Any license that was issued by the Federal Communications Commission to a low-power FM station prior to April 2, 2001, and that does not comply with the modifications adopted by the Commission in MM Docket No. 99–25 on April 2, 2001, shall remain invalid.''.

SEC. 3. MINIMUM DISTANCE SEPARATION REQUIREMENTS.

The Federal Communications Commission shall modify its rules to eliminate third-adjacent minimum distance separation requirements between—

(1) low-power FM stations; and

(2) full-service FM stations, FM translator stations, and FM booster stations.

SEC. 4. PROTECTION OF RADIO READING SERVICES.

The Federal Communications Commission shall comply with its existing minimum distance separation requirements for full-service FM stations, FM translator stations, and FM booster stations that broadcast radio reading services via an analog subcarrier frequency to avoid potential interference by low-power FM stations.

SEC. 5. ENSURING AVAILABILITY OF SPECTRUM FOR LOW-POWER FM STATIONS.

The Federal Communications Commission, when licensing new FM translator stations, FM booster stations, and low-power FM stations, shall ensure—

(1) that licenses are available to FM translator stations, FM booster stations, and low-power FM stations; and

(2) that such decisions are made based on the needs of the local community.

SEC. 6. PROTECTION OF TRANSLATOR INPUT SIGNALS.

The Federal Communications Commission shall modify its rules to address the potential for predicted interference to FM translator input signals on third-adjacent channels set forth in section 2.7 of the technical report entitled ''Experimental Measurements of the Third-Adjacent Channel Impacts of Low-Power FM Stations, Volume One—Final Report (May 2003)''.

SEC. 7. ENSURING EFFECTIVE REMEDIATION OF INTERFERENCE.

The Federal Communications Commission shall modify the interference complaint process described in section 73.810 of its rules (47 CFR 73.810) as follows:

(1) With respect to those low-power FM stations licensed at locations that do not satisfy third-adjacent channel spacing requirements under section 73.807 of the Commission's rules (47 CFR 73.807), the Federal Communications Commission shall provide the same interference protections that FM translator stations and FM booster stations are required to provide as set forth in section 74.1203 of its rules (47 CFR 74.1203) as in effect on the date of enactment of this Act.

(2) For a period of 1 year after a new low-power FM station is constructed on a third-adjacent channel, such low-power FM station shall be required to broadcast periodic announcements that alert listeners that interference that they may be experiencing could be the result of the operation of such low-power FM station on a third-adjacent channel and shall instruct affected listeners to contact such low-power FM station to report any interference. The Federal Communications Commission shall require all newly constructed low-power FM stations on third-adjacent channels to—

(A) notify the Federal Communications Commission and all affected stations on third-adjacent channels of an interference complaint by electronic communication within 48 hours after the receipt of such complaint; and

(B) cooperate in addressing any such interference.

(3) Low-power FM stations on third-adjacent channels shall be required to address complaints of interference within the protected contour of an affected station and shall be encouraged to address all other interference complaints, including complaints to the Federal Communications Commission based on interference to a full-service FM station, an FM translator station, or an FM booster station by the transmitter site of a low-power FM station on a third-adjacent channel at any distance from the full-service FM station, FM translator station, or FM booster station. The Federal Communications Commission shall provide notice to the licensee of a low-power FM station of the existence of such interference within 7 calendar days of the receipt of a complaint from a listener or another station.

(4) To the extent possible, the Federal Communications Commission shall grant low-power FM stations on third-adjacent channels the technical flexibility to remediate interference through the colocation of the transmission facilities of the low-power FM station and any stations on third-adjacent channels.

(5) The Federal Communications Commission shall—

(A) permit the submission of informal evidence of interference, including any engineering analysis that an affected station may commission;

(B) accept complaints based on interference to a full-service FM station, FM translator station, or FM booster station by the transmitter site of a low-power FM station on a third-adjacent channel at any distance from the full-service FM station, FM translator station, or FM booster station; and

(C) accept complaints of interference to mobile reception.

SEC. 8. FCC STUDY ON IMPACT OF LOW-POWER FM STATIONS ON FULL-SERVICE COMMERCIAL FM STATIONS.

(a) IN GENERAL.—The Federal Communications Commission shall conduct an economic study on the impact that low-power FM stations will have on full-service commercial FM stations.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under subsection (a).

(c) LICENSING NOT AFFECTED BY STUDY.—Nothing in this section shall affect the licensing of new low-power FM stations as otherwise permitted under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield such time as he may consume to the chairman of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 1147, the Local Community Radio Act of 2009, and I want to thank Chairman BOUCHER for his leadership in guiding this bipartisan bill through the committee.

I also want to recognize and thank Mr. DOYLE and Mr. TERRY, the original sponsors of the bill, for their efforts to expand diversity, localism, and competition in our media landscape. Mr. DOYLE has been a tireless advocate of local community radio, and I greatly appreciate his leadership, flexibility, and persistence.

I'm pleased that the House is taking up this important measure, as I have long supported expanding low-power FM radio services. The bill removes a statutory barrier to the creation of potentially thousands of new low-power stations across the country. The creation of these stations will further the overriding national policy goals of promoting broadcast localism and diversity.

I'm pleased that the bill includes strong protections against unreasonable interference for incumbent radio broadcasters, as well as a clear dispute resolution process should such interference occur. I want to thank National Public Radio for working with the Energy and Commerce Committee in a constructive manner. I also want

to commend the Prometheus Radio Project, the United Church of Christ, and other supporters of low-power FM services for their valuable input.

I urge my colleagues to support H.R. 1147.

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

As coauthor with Mr. DOYLE, I too rise in support of H.R. 1147, and it was my pleasure to come to this floor to discuss legislation that is the product of great bipartisanship. Congressman DOYLE and I teamed up in working on this low-power FM legislation, and the product that we have today here on the floor is a good one. We do believe this bill has the potential to revolutionize what Americans hear on their radios and that it will provide an exciting new platform for citizens to communicate with one another within their own local communities and neighborhoods.

Low-power FM radio offers people at the local community level the opportunity to broadcast when otherwise they may not afford to do so. This is extremely important for noncommercial groups like schools, churches, neighborhood organizations. The ability of those groups to broadcast their message contributes greatly to the overall betterment of our community and society as a whole.

Many local and statewide organizations are interested in obtaining low-power FM licenses, including the following two in my district in Omaha, Nebraska.

Wes Hall, who is the CEO of Suntaman Communications, says this legislation is a dream come true. ''You cannot build a community without a cohesive voice, and this will give a voice to the voiceless.'' He went on to say: ''Low-power FM is the beacon that lights up the future for us, and bravo to Lee for championing''—well, I don't have to read that part. But Wes Hall has been involved in the LPFM issue for years and believes this legislation is the light that allows communities to come together.

''This is very exciting news,'' said 100 Black Men of Omaha, Nebraska, President Tim Clark. ''Communities across the country will now have a real opportunity to increase the ability to effectively communicate issues, concerns, awareness campaigns, and to provide sensitive programming. North and South Omaha will benefit positively from this challenge to develop unified efforts for the betterment of their constituents.''

I appreciate both Wes' and Tim's work on this issue as well as other groups devoted to fulfilling the interests and needs of our community.

I do believe this legislation is about empowering individuals who are making a difference in Nebraska. As a Member who, back in 2000, voted in favor of legislation to require a minimum of four intervals between radio stations, I'm proud today to be able to stand by my friend from Pennsylvania as well as all LPFM advocates in a bipartisan way in support of this legislation.

□ 1300

The authorization of the MITRE study really was important, and now we definitively know that there will be no interference caused by reducing the required separation between new LPFM broadcasts and existing full-power broadcasts.

I encourage all of my colleagues to support this important community-based legislation, and I am looking forward to it being enacted into law.

I reserve the balance of my time.

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

Mr. Speaker, the bill before the House is the Local Community Radio Act of 2009. It was introduced by Representatives DOYLE and TERRY, and it will provide additional opportunities to create new low-power FM radio stations by allowing their operation on third adjacent channels to the full-power radio stations.

Low-power stations, which are community-based nonprofits which operate at 100 watts or less of power and which have a broadcast reach, typically, of only a few miles, play a unique role in our media. They are far more likely than their full-power counterparts to be owned by women or minorities, and they are an important forum for local clergy, for educational institutions, and for a wide array of community leaders to have a say on important local issues.

I want to commend the cooperative work of our colleagues Mr. DOYLE and Mr. TERRY and of radio broadcasters who are significant stakeholders in this matter, as we have resolved the concerns of local public broadcasting stations that have a special need to protect the numerous translator stations that they operate from any local channel interference. Amendments that we adopted in the subcommittee consideration of the bill achieve that protection.

Among other provisions, the bill directs the Federal Communications Commission to allow the operation of low-power FM stations on third channel adjacencies to the full-power FM stations and FM translator and booster stations. It retains the FCC's existing minimum distance separation requirements for FM stations that provide radio reading services for the visually impaired.

At the same time, the bill provides for remediation of interference complaints between low-power FM stations and full-power stations as well as FM translator and booster stations. The measure directs the FCC to conduct an economic study of the effect of low-power FM stations on full service commercial stations and to submit those findings to the Congress within 1 year.

I want to thank Mr. DOYLE for his tireless work on this measure. He has introduced this bill several times, and this is the first Congress in which it has been brought to the House floor. I tremendously appreciate his work and the work of Mr. TERRY, his partner in this exercise. With the various stakeholders and with members of our subcommittee, collectively, their work has resulted in our being able to present this bill to the House today.

I also want to commend the bipartisan approach that we have taken in our subcommittee and full committee in processing this measure. I commend Chairman WAXMAN and Ranking Members BARTON and STEARNS for the highly cooperative manner in which we have altogether advanced this measure.

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

Mr. TERRY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I do thank the gentleman from Nebraska, and I am thrilled to stand today in support of the Local Community Radio Act.

Mr. Speaker, this is an issue that I've been engaged in since my days in the Tennessee State Senate. In an age of consolidating radio stations and a competitive marketplace for airtime, this legislation will allow smaller groups to be heard. Indeed, Chairman BOUCHER has mentioned this, as has Mr. TERRY; and it is an important reason for having this low-power radio act available for our communities.

Whether we are talking about the aspiring blues performer in Memphis or whether we are talking about an up-and-coming country star in Nashville or whether we are talking about one of our colleges or universities which is getting on the air and showcasing some of its local talent or some of its personalities—or maybe it is some of our religious organizations or churches—it is a way for them to spread their messages. This legislation does give a crucial voice to these communities.

I was pleased that Mr. BOUCHER mentioned small businesses that are owned by women and the number of women that we have seen move into the communications field because they had the ability to get to low-power stations and to develop formats in programming that will help them to launch a dream and actually innovate for our airwaves.

We have heard from a wide range of groups. They do stand in support of this. It is a pleasure to stand and support the bill. I urge this Chamber to move forward on passing this legislation.

Mr. BOUCHER. Mr. Speaker, I yield such time as he may consume to the sponsor of the bill, the gentleman from Pennsylvania (Mr. DOYLE).

MR. DOYLE. I want to thank Chairman BOUCHER and Chairman WAXMAN for strongly supporting my bill, which will give local communities across this country access to their airwaves. I am grateful for the support that this bill has from both sides of the aisle, including from the bill's lead cosponsor, my good friend LEE TERRY from Omaha.

When the Federal Communications Commission created the low-power FM

radio service, they sought to create opportunities for new voices on the airwaves and to allow local schools, churches and other community-based organizations to provide programming that would be responsive to local community needs and interests.

Congress, however, passed the Radio Broadcasting Preservation Act in 2000, and many of those organizations were prevented from communicating to their members, supporters, and residents on the FM radio dial. That bill called for a field study performed by the MITRE Corporation and for the FCC to recommend to Congress what we should do.

In 2004, on a unanimous, bipartisan basis and for a second time in November 2007 and for a third time, once again, in September of 2009, all five FCC commissioners agreed that Congress should lift the restrictions on LPFM stations and should allow the FCC to license new stations in more communities. The bill we debate today, the Local Community Radio Act of 2009, does just that.

Where they are allowed to exist under current law, LPFM stations have proved to be a vital source of information during local or national emergencies. These stations promote the arts and education from religious organizations, community groups, organizations promoting literacy, and from many other civically oriented organizations.

Stations like KOCZ in Opelousas, Louisiana, which is operated by the Southern Development Foundation, is a group active in the African American community. This station broadcasts public affairs shows, religious programming, hip-hop, and zydeco music 24 hours a day. Zydeco music is central to the cultural heritage of the Acadiana region, but it has recently disappeared from the airwaves that have been dominated by commercial radio.

WQRZ, in Bay St. Louis, Mississippi, remained on the air during Hurricane Katrina and served as the emergency operations center for Hancock County during the worst storm there in a century.

Congress has to act on the commission's recommendations; otherwise, similar stations will be prevented from operating in communities across America—in communities like mine, which are too large to have any slots for new LPFM stations at fourth adjacent, but could fit several at third adjacent.

Stations like Lightning Community Radio and WMKP's ''The Roar'' at Penn State's Greater Allegheny campus wanted to serve the McKeesport area in my district. The current law relegates them to Webcasting, but they want to simulcast on the air as well. We must pass this bill today to make sure that that can happen.

My bill has undergone some changes from the full committee, and the National Association of Broadcasters, as well as National Public Radio, have removed their objections and do not oppose the bill. This bill has broad support, and I will be adding into the RECORD these letters from almost a dozen leaders from Catholic and Protestant faiths, like the United Church of Christ and the National Association of Evangelicals; a letter from two dozen national and local public interest, civil rights and local groups; another letter from the Leadership Conference on Civil Rights; and, finally, a letter from the National Federation of Community Broadcasters and the Prometheus Radio Project, all of whom strongly support the Local Community Radio Act.

Mr. Speaker, the time has come for Congress to rewrite the law. The time has come to make the airwaves available to the people they serve. The time has come to bring low-power to the people. I ask my colleagues to support the Local Community Radio Act.

My legislation makes a number of changes from the version reported out of the House Energy and Commerce Committee. Some of these changes clarified intent, others came at the request of large commercial broadcasters. Indeed, this version of the bill did not draw the opposition of the largest group of commercial broadcasters because they contributed several ideas that are included in this legislation. While I believe that the previous versions of the bill already provided strong protections for incumbent broadcasters, I accepted this compromise language because it will finally lay their objections to rest.

In exchange for dropping their opposition to my bill, incumbent broadcasters received a significant new form of protection for their signals. This compromise requires LPFM stations to fix any instance of interference to full power stations on the third adjacent channel, even outside an incumbent station's legally protected coverage area, also known as their contour.

I accepted this extremely unusual obligation to remediate interference outside of the broadcaster's legal coverage area, working with experts at the FCC, I know that harmful interference is extremely unlikely to occur in the real world.

I would not have accepted them if I believed they harmed the Low-Power FM radio service, and I will be sincerely disappointed if the Commission does so with mistaken interpretations.

Among the several changes, I'd like to explain two of them, I accepted a request that the FCC complete a study looking into the low-power FM radio service's financial impact on full-power commercial broadcasting. I know that the FCC has already looked into this issue and I understand that the Senate sponsor's intent is not to let this study delay implementation of the bill and licensing LPFM stations while this study is underway.

Second, in Section 5, I added the word ''new'' to make clear that that section applies to new licensing. While this refers to licensing new stations, I do not believe that this language should discourage the FCC from readdressing the relationship between LPFMs and translators should it conclude that it is in the public interest.

I have to thank the many people who have worked on this issue for over a decade. First, and foremost, this bill would not have happened without the work of Pete Tridish and Hannah Sassaman and Cory Fischer Hoffman of the Prometheus Radio Project, Cheryl Leanza now at the United Church of Christ, Office of Communications, Michael Bracy of the Future of Music Coalition, and Carol Pierson of the National Federation of Community Broadcasters.

Additionally, I must also thank the dozens of dedicated people who have long cared about their community's ability to access their airwaves. That so many different groups support the bill is a testament to their dedication. Their hard work will hopefully reap true rewards. Thanks are due to Katherine Grincewich of the US Conference of Catholic Bishops, Amanda Huron, Diane Foglizzo, Sakura Saunders, Brandy Doyle, Jeanette Forman, Autumn Chacon, John Wenz, Sara Cederburg, Halimah Marcus, Ian Smith, Anthony Mazza, and Scott Pinkelman of the Prometheus Radio Project, artists Kendall Nordin and Nicole Atkins, and Amy Ray and Emily Saliers of The Indigo Girls, Gary Galloway, Director of the Newton County Mississippi Emergency Management Agency, Tim Stone of Portsmouth Community Radio, Parul Desai, Kamilla Kovacs and Andy Schwartzman of the Media Access Project, Beth McConnell, Chance Williams and Hannah Miller of the Media and Democracy Coalition, Candace Clement, Ben Scott and Joe Torres at Free Press, Corrine Yu at the Leadership Conference on Civil Rights and all others who have worked so hard to get the Local Community Radio Act so far.

LOW-POWER FM RADIO: SUPPORTING MEDIA DIVERSITY 2009 LOCAL COMMUNITY RADIO ACT (H.R. 1147)

DEAR COLLEAGUE: We urge you to join us in support of media diversity by supporting H.R. 1147, the Local Community Radio Act of 2009. This bipartisan legislation will increase the diversity of voices on our nation's radio airwaves by creating hundreds of low-power, community radio stations in cities, towns and suburbs across the United States.

According to a report released by the nonpartisan media advocacy group Free Press, people of color own just 7.7 percent of all full-power AM and FM stations, yet they make up 33 percent of the U.S. population. Currently, African Americans own 3.4 percent; Latinos, 2.9 percent; Asian Americans, 0.9 percent; and Native Americans, 0.3 percent of all full-power stations. In addition, despite making up 51 percent of the U.S. population, women only own 6 percent of all radio stations. The study found the more concentrated a local market, the less likely there will be a minority or female owner. In 2008, the Minority Media & Telecommunications Council (MMTC) Road Map for Telecommunications Policy found that minority employment at non-minority owned, English language radio news operations is about 0.4% or statistically zero, which is about where it stood in 1950. As a uniquely local outlet, low-power FM (LPFM) stations directly serve the needs of their communities by making stations possible for churches, schools, civil rights organizations and other community groups. LPFMs provide a forum to discuss local issues and provide essential emergency services during times of crisis. The following LPFMs have shown their potential to bring vibrant, diverse programming to the airwaves:

On WSBL–LP (98.1), in South Bend, Indiana the local League of United Latin American Citizens (LULAC) chapter broadcasts Spanish-language programming and music, public

safety announcements, and English vocabulary lessons.

In Sacramento, KDEE–LP (97.7), licensed to the California Black Chamber of Commerce, broadcasts extensive local news and community affairs, providing an opportunity for local community leaders to get on the air.

Marianne Knorzer, station manager at KRBS–LP in Oroville, California coordinates 50 volunteers to offer local programming to its rural community, including everything from Hmong language programming to Reggae.

KAPU–LP (104.7), in Watsonville, CA, prides itself on being the only radio station on the U.S. mainland that broadcasts Hawaiian music 24 hours a day.

Additional examples include: Radio Sur Sangam, in Hayward, CA south of Oakland, which broadcasts using shortwave radio signals to South Asians. The community hoped for a LPFM but Congress limited the service from densely populated areas such as Hayward. The Society for the Preservation of Korean Culture and Language wanted a LPFM in the Chicago area.

LPFM offers an important alternative to the narrow terms of public debate that are all too often promoted by large broadcasters. Given these trends, LPFM is an important means of transmitting the views of historically underrepresented voices. A recent report by the Leadership Conference on Civil Rights titled, Low Power Radio: Lost Opportunity or Success on the Dial, concluded that LPFM ''represents the best opportunity in years for diversity in radio broadcasting and ownership.''

In 2003, a congressionally authorized study by the FCC determined that LPFM service could be expanded without causing significant interference to full-power FM radio stations. As a result, the FCC urged Congress to repeal the restrictions it placed on licensing LPFM stations and recently voted unanimously in support of this position.

Supporters of H.R. 1147 include: the National Association of Evangelicals; United Church of Christ; U.S. Conference of Catholic Bishops; NAACP; National Hispanic Media Coalition; National Bar Association; AFL–CIO; and emergency management agency directors.

We encourage you to support the Local Community Radio Act (H.R. 1147) when it comes to the floor for a vote. By doing so, you will support localism, choice, and diversity on the radio. If you have any questions, please contact Kenneth DeGraff with Rep. Mike Doyle at 5–2135 or Brad Schweer with Rep. Lee Terry at 5–4155.

NYDIA M. VELÁZQUEZ.

DECEMBER 7, 2009.

DEAR REPRESENTATIVE: The undersigned organizations urge you to vote in support of H.R. 1147, the Local Community Radio Act of 2009. H.R. 1147, introduced by Representatives Mike Doyle and Lee Terry will help increase the number of Low Power FM radio stations in our country. Passage of this bill will result in the creation of hundreds—if not thousands—of new local radio stations in towns and cities across the country. We are particularly grateful for the strong bipartisan support this measure has received in the House Energy & Commerce Committee and we look forward to its ultimate passage into law. We ask you to support the compromise bill that will be on the floor on Tuesday, December 15.

Low Power FM (LPFM) stations are noncommercial stations that operate at 100 watts or less—with a broadcast radius of approximately three to five miles. As uniquely local outlets, LPFM stations directly serve their communities.

LPFM licenses are granted to high schools, churches, labor unions, nonprofits and civic organizations—local institutions that understand the needs of their communities. LPFM stations give political, religious and civil rights leaders a forum to discuss local issues. LPFM stations also provide essential emergency services during times of crisis.

The Federal Communications Commission created LPFM stations in 2000 to serve the news and informational needs of local communities. But Congress voted to limit the number of LPFM stations after claims were made that these outlets might interfere with the signals of full-power FM stations.

In 2003, the FCC commissioned a $2 million taxpayer-funded study that found LPFM stations cause no significant interference with full-power stations. The FCC, in a unanimous bi-partisan vote, called on Congress to lift the restrictions it placed on licensing LPFM stations. But the legislation has not yet become law.

For this reason, we are calling on Congress to act quickly to authorize the FCC to license more LPFM stations. We respectfully ask you to support H.R. 1147 when it is scheduled for a full floor vote.

Thank you,

American Association of People with Disabilities, (AAPD), Access Humboldt, American Federation of Musicians, Capitol Community TV—OR, CCTV—Vermont, Chicago Media Action, Consumers Union, Free Press, Future of Music Coalition, Industry Ears, Institute for Local Self-Reliance, Intercollegiate Broadcast System, and Media Access Project.

Media Alliance, Media Bridges, National Hispanic Media Coalition, National Federation of Community Broadcasters, National Organization for Women, Native Public Media, New America Foundation, Prometheus Radio Project, Public Knowledge, Reclaim the Media, Rainbow PUSH, United Church of Christ, Office of Communication, Inc., and U.S. PIRG.

DECEMBER 14, 2009.

DEAR REPRESENTATIVES: We, as leaders representing many diverse religious traditions, urge you to vote in support of H.R. 1147, the Local Community Radio Act of 2009. H.R. 1147, introduced by Representatives Mike Doyle and Lee Terry will help increase the number of Low Power FM radio stations in our country. We are particularly grateful for the strong bipartisan support this measure has received in the House Energy & Commerce Committee and we look forward to its ultimate passage into law. The compromise version of H.R. 1147 coming to the House floor this week is the one that should be adopted by the House and ultimately passed into law.

Low power FM (LPFM) stations are uniquely local outlets that directly serve their communities. LPFM licenses are granted to churches, high schools, labor unions, non-profits, and civic organizations that understand and serve the needs of their local communities. LPFM stations give local leaders, including politicians, clergy, community elders and young people a uniquely local forum to discuss local issues. Moreover, LPFM stations have a track record of providing essential emergency services during times of crisis. Since its inception in 2000, approximately 800 LPFM stations have been authorized around the country. But the FCC requires Congressional action to fully implement the program.

People of faith are well-known for their strong participation in civic society—playing an important role in making our communities stronger and lifting up those who are suffering or who need a little help to succeed. Churches and communities of faith have taken significant advantage of low power radio as part of this.mission—approximately half of all low power radio stations are licensed to churches or other houses of worship. In addition to allowing more opportunities for people of faith operate a radio station, low power radio will also add new voices to the radio dial. It will allow for more equitable representation of people of color and women, and at the same time preserve. opportunities, for everyone—no matter their views—to be heard.

For this reason, we are calling on Congress to act quickly to authorize the FCC to license more LPFM stations. We respectfully ask you to support H.R. 1147 when it is scheduled for a full floor vote.

Sincerely,

Kristi S. Bangert, Executive Director for Communication Services, Evangelical Lutheran Church in America; Burton Buller, Director, Third Way Media; Galen Carey, Director of Government Affairs, National Association of Evangelicals; The Rev. J. Bennett Guess, Executive Director, Office of Communication, Inc., United Church of Christ; The Rev. Larry Hollan, General Secretary, United Methodist Communications; Most Reverend Gabino Zavala, Auxiliary Archbishop, Archdiocese of Los Angeles, Chairman, Communications Committee of the United States Conference of Catholic Bishops; Wesley M. Pattillo, Senior Program Director for Communication, National Council of Churches; The Rev. Jerry L. Van Marter, Presbyterian News Service, Chair, NCC Communications Commission; Linda Walter, Director, The AMS Agency, Seventh-day Adventist Church.

DECEMBER 14, 2009.

DEAR REPRESENTATIVES: The Prometheus Radio Project and the National Federation of Community Broadcasters write to endorse the version of the Local Community Radio Act, H.R. 1147, which will come to a floor vote in the House of Representatives this week. The Local Community Radio Act will allow for hundreds of new, low power noncommercial radio stations nationwide, operated by churches, schools, non-profit organizations, and public safety agencies.

Incumbent commercial broadcasters have agreed to drop their opposition to the bill in exchange for a significant new form of protection for their signals. This compromise fully protects full power stations from interference by new low power radio stations, even outside an incumbent station's legally protected coverage area. As representatives of low power radio broadcasters, we have accepted this extremely unusual obligation to remediate interference because we know that such interference is extremely unlikely to occur in the real world. A Congressionally-mandated independent technical study has shown that the low power radio stations authorized by this legislation would not cause harmful interference, and all five FCC Commissioners have reaffirmed the FCC's longstanding confidence in this legislation as safe for the existing FM service.

While the latest changes are superfluous, since earlier versions of the bill already provided appropriate protections for incumbent broadcasters, we support this compromise language because it will finally put to rest the objections of the National Association of Broadcasters. The bill also includes considerable changes made during the House subcommittee markup to address the concerns of National Public Radio. With the latest compromise, low power radio advocates have addressed every remotely plausible issue

raised by low power radio's former opponents.

We would like to thank the offices of Representatives Mike Doyle and Lee Terry, as well as Chairman Rick Boucher and Chairman Henry Waxman, for their tireless work in bringing both sides to a final version of the legislation that everyone can accept.

Communities across the country have been waiting for more than a decade for the opportunity to apply for their stations. The time for compromise and delay is over. We urge support for the bill in the House and full passage—without change—by the Senate.

Sincerely,

PETE TRIDISH,
Executive Director, Prometheus Radio Project.

CAROL PIERSON,
President & CEO National Federation of Community Broadcasters.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, DC, December 14, 2009.

Re Support the Local Community Radio Act of 2009 (H.R. 1147)

DEAR REPRESENTATIVE: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition with nearly 200 member organizations, we urge you to support H.R. 1147, the bipartisan Local Community Radio Act of 2009, when it comes to the floor to a vote. The version being considered by the House of Representatives should be adopted into law.

H.R. 1147, introduced by Representatives Mike Doyle (D–PA) and Lee Terry (R–NE), will help increase the number of Low Power FM (LPFM) stations in our country by authorizing the Federal Communications Commission (FCC) to license thousands of LPFM radio stations in cities, towns, and suburbs across the country. In an era of mass media consolidation, LCCR believes that it is important to preserve this avenue through which diverse viewpoints can be represented over the public airwaves.

LPFM refers to community-based, nonprofit radio stations that operate at 100 watts or less and have a broadcast reach of only a few miles. Since 2000, the FCC has awarded more than 800 LPFM licenses to civil rights organizations, schools, and church groups. By authorizing even more LPFM licenses, H.R. 1147 will help ensure that all segments of society have the opportunity to participate fully in the broadcast communications environment in two important ways: by enhancing diverse viewpoints and by enhancing diverse ownership.

LCCR has long regarded expanding minority and female ownership in media as an important goal because of the powerful role the media plays in the democratic process, as well as in shaping perceptions about who we are as individuals and as a nation. By providing community leaders the opportunity to have a voice on the public airwaves where no such opportunity previously existed, LPFM radio will help promote greater diversity on the public airwaves.

While Latino Americans, African Americans, Asian Americans, and Native Americans make up one-third of the U.S. population, they own only 7.2 percent of all full-power radio and TV stations. Women make up 51 percent of the U.S. population, yet own less than 6 percent of full-power commercial radio and TV stations. We believe there is a direct connection between those who own these stations and the content they produce.

If you have any questions, please contact Corrine Yu, LCCR Senior Counsel, or Nancy Zirkin regarding this or any issue.

Sincerely,

WADE HENDERSON,
President & CEO.

NANCY ZIRKIN,
Executive Vice President.

Mr. TERRY. I appreciate your efforts, Mr. DOYLE.

Mr. Speaker, Mr. DOYLE mentioned a variety of religious organizations that support this, and I found the same thing in my community.

I want to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON) who, in fact, wants to speak on that aspect of our low-power community radio.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of H.R. 1147, the Local Community Radio Act of 2009.

I appreciate the leadership of Congressman LEE Terry of Nebraska on this important issue.

Passage of this bipartisan legislation is vital to expanding the availability of noncommercial, low-power—LPFM—radio stations to towns and cities across our country. This legislation repeals certain restrictions which limit broadcast capabilities for low-power FM stations. Expanding LPFM licenses will make owning a radio station possible for churches, synagogues, schools, emergency responders, and other community groups that best understand the needs of their local communities.

These stations give civic, clergy, and community leaders a forum to discuss local issues and to provide essential emergency services during times of crisis. Hundreds of churches and ministries already rely on LPFM stations to get their messages out; but, unfortunately, service is currently limited only to rural areas and is frequently limited to property lines.

I urge Members to pass H.R. 1147, which will move to expand low-power FM radio for churches, synagogues, schools, community groups, and emergency responders in the United States.

Mr. BLUMENAUER. Mr. Speaker, I'm pleased to support HR. 1147, the "Local Community Radio Act," a bipartisan measure to revitalize the local, public interest radio programming that is so important to communities nationwide.

The broadcast spectrum, after all, belongs first and foremost to the American people. I continue to believe that public access to these resources and quality, local programming should be readily available to all. In the 106th Congress, we established the bipartisan Public Broadcasting Caucus to highlight the unique and invaluable contributions of public radio and television stations and programs. Public Broadcasters provide valuable commercial-free educational, informational, and cultural programming for communities all across the country, as well as emergency alerts.

Complementing these efforts are our country's local, low-power FM radio stations. These stations, whose signals only operate in a three-to-five mile radius, serve as vibrant community resources. These small operators include all manner of local politicians, clergy, civil rights, and community leaders. In times of crisis, like public radio stations, they may also provide essential emergency services. I am pleased Congress is acting to strengthen the ability of these stations to operate responsibly.

This bill is the result of years of negotiations between commercial broadcasters, public broadcasters, and Congress. I appreciate the efforts of all, including National Public Radio (NPR) and the National Association of Broadcasters, NAB, to work together to craft this product. The result is a bill that balances the needs of incumbent stations to protect their signals with an opening up of the airwaves to smaller, more diverse operators.

I look forward to moving this compromise forward, and to strengthened programming in our communities.

Mr. TERRY. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, we also have no further requests for speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 1147, 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. BOUCHER. 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.

COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1084) to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1084

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 "Commercial Advertisement Loudness Mitigation Act" or the "CALM Act".

SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.

(a) REGULATION REQUIRED.—Within 1 year after the date of enactment of this Act, the Federal Communications Commission shall prescribe pursuant to the Communications Act of 1934 (47 U.S.C. 151 et seq.) a regulation that is limited to incorporating by reference and making mandatory (subject to any waivers the Commission may grant pursuant to

subsection (b)(2)) the ''Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television'' (A/85), and any successor thereto, approved by the Advanced Television Systems Committee, only insofar as such recommended practice concerns the transmission of commercial advertisements by a television broadcast station, cable operator, or other multichannel video programming distributor.

(b) IMPLEMENTATION.—

(1) EFFECTIVE DATE.—The Federal Communications Commission shall prescribe that the regulation adopted pursuant to subsection (a) shall become effective 1 year after the date of its adoption.

(2) WAIVER.—For any television broadcast station, cable operator, or other multichannel video programming distributor that demonstrates that obtaining the equipment to comply with the regulation adopted pursuant to subsection (a) would result in financial hardship, the Federal Communications Commission may grant a waiver of the effective date set forth in paragraph (1) for 1 year and may renew such waiver for 1 additional year.

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

(1) the term ''television broadcast station'' has the meaning given such term in section 325 of the Communications Act of 1934 (47 U.S.C. 325); and

(2) the terms ''cable operator'' and ''multichannel video programming distributor'' have the meanings given such terms in section 602 of Communications Act of 1934 (47 U.S.C. 522).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD.

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

There was no objection.

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

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, the bill before the House is the Commercial Advertisement Loudness Mitigation Act, or in short, the CALM Act. It sets standards on the permissible volume levels for commercials aired on television, and it is patroned by our colleague on the Energy and Commerce Committee, the gentlewoman from California (Ms. ESHOO). It addresses in an appropriate manner a major consumer complaint.

We have all experienced the frustration of TV commercials blaring well above the volume levels of the programs that accompany them on broadcast television. After scrambling for the remote control and after turning down the volume on the commercials, we then have to pick up the remote again in order to restore the volume when the program that the commercial attends resumes. It is very frustrating. It's an annoying experience, and something really should be done about it.

□ 1315

Other countries, including Australia, Brazil, Israel, the United Kingdom and France all have regulations addressing the volume on television commercials, and with the bill that is now before the House, we have the opportunity to confer on American TV viewers a similar benefit.

We can take this step in a way that the industry finds acceptable. The television industry-based Advanced TV Systems Committee has developed the technical standards that are appropriate to control variations in commercial loudness. The industry has approved that standard and the bill before us directs the Federal Communications Commission to incorporate that standard in a rulemaking.

A waiver from the rule is available for any television station that can show financial hardship in making the changes to its equipment needed in order to comply with the terms of the rule.

Some may say that there is no need to take this step, but I think that the American public is going to react very differently and in a very supportive way. In fact, I think that the CALM Act has the potential to rival in popularity the Do Not Call List that was adopted by this Congress several years ago. That act, as most will recall, protected against unwanted commercial telephone calls. This will protect against intrusive higher volume levels that attend television commercials.

I want to commend the gentlewoman from California. She has shown great leadership in bringing this measure before the House. She has worked with the industry and the members of our subcommittee as we have revised the bill in order to achieve the broad consensus that it enjoys today.

It is my privilege to encourage approval by the House of the CALM Act, and I reserve the balance of my time.

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

This bill, H.R. 1804, the Commercial Advertisement Loudness Mitigation Act, or the CALM Act, is a bill whose time has come and perhaps because the transition to digital has created the perfect opportunity for industry to take care of this. But they did not take care of this for some 40 years. The bill would require the Federal Communications Commission to issue regulations, based on industry standards, for loud commercial advertisements within 1 year of enactment. The regulation would take effect 1 year after adopted by the FCC.

According to testimony at a June Energy and Commerce hearing, consumer complaints about loud commercials have been streaming into the FCC as far back as 1960 and are among the most common complaints. Complaints continue to come into the FCC today. In fact, in the 25 quarterly reports on consumer complaints that have been released since 2002, 21 have listed complaints about the, quote, abrupt changes in volume during transition from regular programming to commercials as among the top consumer grievances regarding radio and television broadcasting. So as we can tell, this is a top issue for consumers.

Now this issue is a little bit more complex than it appears. Many different entities are responsible for producing and distributing the content that consumers hear and see in their living rooms. Each element may be recorded and provided at a different respective volume level. Moreover, shows and movies have a dynamic sound range to cover everything from a quiet scene to a huge explosion. Commercials, meanwhile, tend to have a narrow sound range. Volume levels are typically set for the programming, which can simply throw off the volume levels for the commercial. But as I pointed out earlier, now we have a solution in place because the transition to digital has made that possible.

Two years ago, the Advanced Television Systems Committee established a Subgroup on Digital Television Loudness. Now it is this subgroup, consisting of leading experts in audio technology who participated together from all the major broadcast networks, cable, production and post-production companies, manufacturing and education; all these very bright, talented, highly technical people got together in this subgroup. They established a way to solve the problem. And since it was established, these audio technology experts have crafted a hard-fought consensus on a recommended practice that should be employed across the TV industry to deal with the complaint that consumers have made for almost 50 years. I trust the collective wisdom of these technical experts—it is done by the private sector—and Subgroup's hard work to craft a solution to the TV loudness issue should be commended.

Let me say a few more comments about this. There are going to be some small cable companies, broadcasters, who are going to have a difficult time complying with this. Remember, now, after 1 year, the FCC is going to take this directive that the Advanced Television Systems Committee established and is going to make it industry-wide. Now some of these small companies are going to complain that they can't afford to implement it. In the bill, there is a 1-year extension for those small companies, and if it turns out they still can't make it, there is another extension. So now we have the majority of the industry able to do this, but we have set aside within the bill a safety hardship in which they just demonstrate they can't do it for financial reasons and they will be left to have another year to meet the standards.

So in a sense, Mr. Speaker, I think we have a solution to a problem that

has been one of the biggest complaints with the FCC all these years; and so with that in mind, I urge my colleagues to support H.R. 1804, and I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield such time as she may consume to the sponsor of the bill, the gentlelady from California (Ms. ESHOO).

Ms. ESHOO. I would like to begin by thanking the chairman of our subcommittee, Mr. BOUCHER, for his consistent support and cooperation to help bring the bill through the committee. I doubt that we would be here today were it not for that. And I want to recognize and thank the ranking member of our subcommittee for the work that he has put into this as well and the suggestions that he made in order to bolster the bill and to make it imminently workable. I also want to thank, of course, the chairman of the full committee, the gentleman from California (Mr. WAXMAN), for his support.

Mr. Speaker, I rise today to ask my colleagues to vote in favor of this bill which is designed to eliminate the earsplitting levels of television advertisements and return control of television sound modulation to the American consumer. I first introduced the Commercial Advertisement Loudness Mitigation Act, called the CALM Act, more than 3 years ago. This is something that many of our constituents now refer to in their shorthand as the Loud Commercial Law. I have heard loud and clear from people across the country. We have consumers across the country that are with us and would like to see this accomplished.

The premise of the bill then, as now, was really simple; and in an era of 1,000- or 1,800-page bills, this is a 2-page bill, and it is to make the volume of commercials and programming uniform so that consumers control the sound. The problem has existed for more than 50 years, when television advertisers first realized that consumers often left the room when commercials were playing. They used the loud commercials as a gimmick to grab the attention of consumers, even as they moved to other parts of their home. But for anyone who can't get to the mute button fast enough, we know that we are all subjected to blasting ads. For those with sensory difficulties, the loud commercials are more than just an annoyance. Sound spikes can harm hearing and sometimes they are painfully loud.

This issue, as my colleagues have referenced, is also one of the top complaints, consistently one of the top complaints, from consumers across the country to the Federal Communications Commission. This bill is going to bring a measure of relief to the American consumer. It is also, I think, an important step in identifying the need to make broadcasters and video providers responsible for answering to consumers at the most basic level. I created this bill taking into account the economic health of licensees and the importance of smaller stations and providers. The Advanced Television Systems Committee, or the ATSC, a body that sets technical standards for digital television, has developed a solution to the problem of the varied volume between commercials and programming, with one stream that keeps the volume uniform.

The bill directs the FCC to adopt these engineering standards as mandatory rules within 1 year. These standards were not in the works until we introduced this legislation in the last Congress, so I am pleased to have encouraged the industry to find the answer to this problem so we don't have to wait another 50 years for a solution.

I look forward to voluntary and immediate adoption of the standards by broadcasters, cable, satellite and all multichannel program providers. But the bill exists because we know that voluntary compliance or adherence to consumer needs has been a failure and we need to assure enforcement to protect the rights of consumers. The bill also requires cable and satellite operators to install the engineering fix necessary to ensure that the sound is modulated.

The bill is not inflexible. It heeds the call by industry for a compliance grace period. Those affected, and I think it's very reasonable, will have 1 year after the FCC adopts the rule for purchase and installation of the ATSC standard-based equipment, and the FCC may grant up to two successive 1-year waivers for financial hardship. Small stations and cable operators certainly should be able to comply within 3 years, plus the amount of time it takes the FCC to adopt and release the rules.

I have read the minority comments that have been filed relative to the bill, and I want to answer directly the concerns of some of my colleagues about the necessity of the bill, so I want to reiterate the following:

First, I think the bill is necessary because we need a mandatory enforcement tool, and I stated that earlier. Volunteerism hasn't worked for 50 years.

Second, the bill makes the ATSC standards applicable to all FCC licensees, and that includes satellite and cable providers as well as broadcasters. The voluntary standards as written only apply to broadcasters.

Thirdly, the bill matters to our constituents, and I think that that's what really matters the most, and it stands as proof that Congress can listen to their concerns.

Fourthly, it has been said that Congress has better things to do. I have never suggested that this solves the great challenges that face our country today. As I said, it's a 2-page bill, but it is something that has been left unattended to for half a century and I think the time has come that we end the practice of consumers being blasted out of their seats when they're listening to their favorite programming.

The technical fix is long overdue and under the CALM Act, as amended, consumers will be in the driver's seat. I look forward to the passage of this bill, and most importantly so do millions of other consumers and our constituents across the country.

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

Let me just perhaps move a little further. The gentlelady from California mentioned that a lot of people had said, well, why does Congress have to get involved? That has been brought before me before. And I would say—and this is a compliment to the lady from California—what she did with her bill.

Her bill originally directed the FCC to write its own rules, but she reached out to industry and engaged them, which is a commendation for her, and asked them, Well, how can we solve this? So for those people who say, Why can't industry solve it?, she was an impetus to do this, and her bill is furthermore an impetus to do this, because now industry developed a subgroup, the subgroup came up with the technology to be able to solve the problem, and now she's saying basically, let industry solve the problem and let the FCC adopt what they've come up with.

□ 1330

Another thing that I think came through the process which is also, I think, a compliment to her was that she was willing to realize that some in the industry, some of the smaller companies, might have a financial problem with this, so she was willing to change the bill to allow this, I'll call it a safety valve, for those small companies that can't make it, that petition the SEC to get a delay so that they have 1 year and possibly another year.

So I think what this bill shows to those people who say why can't we just let the industry solve it, I think the simple fact that she went out and engaged them, they developed a subgroup working with the industry, as she did, works it in a way that industry is solving their own problem, but they also realize, after all these years, going back to the 1960s, and these complaints, something's got to be done. And I think many of us, in the last weekend watching football games, can remember that time we had to get up with the remote and turn it off. And you can say, well, that's fine; just turn it off. But it's constantly an irritant when you have to do it. And we've got all the new bowl games coming up.

So I think the aspect about that we all should realize is that Ms. ESHOO also was willing to change the bill and reach out and work with industry to get this done, and to also provide the safety valve. So I think that's an important aspect to bring to the attention of my colleagues, how this bill works I think in a way to help industry.

Mr. Speaker, I have no further speakers, so I yield back the balance of our time.

Mr. BOUCHER. Mr. Speaker, I yield to myself 30 seconds.

Mr. Speaker, I simply want to take this time to thank the gentleman from Florida (Mr. STEARNS) for the bipartisan way in which we have processed this measure through our committee, and for his strong support of the measure that we bring to the floor this afternoon. The work on this bill is reflective of the best traditions of our committee, where we work out problems, we resolve concerns within the confines of the committee process, and we do so in a collaborative way, with people on both sides of the aisle participating in that effort. And in no matter has that spirit of cooperation been better reflected than in the way we have processed and handled this bill today. So I want to thank Mr. STEARNS and his colleagues on the Republican side for that outstanding bipartisan cooperation.

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the CALM Act.

While I, too, would like to have someone turn down the TV when it gets loud, I've already given that job to my thumb. As a result, I only need one Member of Congress at work on this vital problem, not 435. I appreciate Ms. ESHOO'S efforts to protect America's ears from loud commercials and our thumbs from arthritis brought on by overuse, but writing a law to do so seems a stretch.

The bill adopts into Federal law the industry-developed standards that are already being implemented, and consumers do not need the government to function as remote volume controls for them. Simply put, the private sector already has acted on this noisy nuisance.

If you're not convinced that having a reliable and fully functioning thumb is better for both you and the Nation than having a fully functioning bureaucracy to adjust your TV's sound, there's also this: Many entities are responsible for producing and distributing the content that we all see and hear. Broadcast affiliates, networks, and cable, satellite, and phone companies then transmit the content. Each element of the programming may be recorded and provided to the distributors at different volume levels. Moreover, shows and movies have a broad, dynamic sound range to cover everything from explosions in a car chase to lawyers whispering to juries. Commercials, meanwhile, tend to have a narrow sound range, and they can blare and annoy when they suddenly follow a movie scene that was putting you to sleep.

The technical challenges presented by these facts are significant, but with the transition to digital television, industry has responded. On November 5, the Advanced Television Systems Committee, ATSC, announced the approval of the "ATSC Recommended Practice: Techniques for Establishing and Maintaining Audio Loudness for Digital Television." These standards provide guidance to the industry, and focus on audio measurement, production and postproduction monitoring techniques, and methods to control loudness for content delivery.

I want to commend my friend, Ms. ESHOO, for working with all the relevant parties and for amending her bill to acknowledge the industry's work. In my opinion, however, there is no reason for Congress to get between me and my remote control. On those grounds, I have to give this measure a thumbs down.

Mr. BOUCHER. Mr. Speaker, we also have no further requests for time. I yield back the balance of our time and urge passage of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, H.R. 1084, 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.

BREAST CANCER SCREENING GUIDELINES

Mrs. CAPPS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 971) expressing the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 971

Whereas the United States Preventive Services Task Force (USPSTF), an independent panel of experts in primary care prevention and evidence-based medicine, issued guidelines on November 16, 2009, regarding mammography screening for women, including women age 40 to 49;

Whereas these guidelines reflect a change from USPSTF mammography recommendations issued in 2002;

Whereas the new guidelines have caused concern among many health providers and confusion among many women age 40 to 49;

Whereas the Department of Health and Human Services has stated that while the USPSTF has presented some new evidence for consideration, the policies of the Department remain unchanged; and

Whereas the Department of Health and Human Services has stated that there is a great need for more evidence, more research, and more scientific innovation to help women prevent, detect, and fight breast cancer: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the guidelines of the United States Preventive Services Task Force ("USPSTF") would not prohibit an insurer from providing coverage for mammography services in addition to those recommended by the USPSTF and should not be used by insurers to deny coverage for services that are not recommended on a routine basis; and

(2) the National Cancer Institute should continue to invest and provide leadership regarding research to develop more effective screening tools and strategies for improving detection of breast cancer.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. CAPPS) and the gentlewoman from Tennessee (Mrs. BLACKBURN) 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 remarks and include extraneous material in 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 to myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 971. This resolution expresses the sense of the House of Representatives that the U.S. Preventive Services Task Force guidelines would not prohibit an insurer from providing coverage for mammography services beyond those recommended by the task force.

It further states that these guidelines should not be used by insurers to deny coverage for these services.

It also expresses the sense of the House that the National Cancer Institute should continue to invest and provide leadership regarding research to develop more effective screening tools and strategies for improving the detection of breast cancer.

On November 16, 2009, the U.S. Preventive Services Task Force issued a series of six recommendations regarding breast cancer screening, three of which pertain to mammography screening among women of various age groups. At a recent hearing in our Energy and Commerce Committee's Health Subcommittee, the task force representatives acknowledged that they should have done a better job communicating their findings to the public. Unfortunately, this failure in communication has led to much concern and confusion about what their findings and recommendations are and what the implications would be.

Mr. Speaker, this task force is not suggesting that women in their forties forego mammography. The task force is recommending that women in their forties determine when to begin screening and base this decision on a conversation with their doctors or health providers. And we can all agree that women in their forties should have access to mammography if these women and their physicians decide it's right for them. I think we can also agree that while mammography is still the best tool that we have to detect breast cancer in its earliest stages, it is, by every means, an imperfect tool. We need continued research into more effective screening tools and strategies to improve the detection of breast cancer.

Breast cancer is the second most common cancer among United States women, and it is the leading cause of cancer death for women between the ages of 29 and 59. This year, new cases of breast cancer among American women will reach an estimated 192,370, and over 40,000 women will die from breast cancer this year. The American Cancer Society estimates that one in 8 women will have invasive breast cancer at some point in her lifetime. These statistics illustrate that breast cancer

continues to be a major health issue, despite recent declines in breast cancer mortality rates.

But beyond these statistics, cancer is a very personal situation for many of us in this Chamber, whether it has affected a mother, a daughter, a wife, a friend, a colleague or, as it has for me, my own sister. I want to commend my colleague, DEBBIE WASSERMAN SCHULTZ, for introducing this resolution and for being so forthcoming about her very personal experience being diagnosed with and treated for breast cancer.

I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Speaker, I do rise in support of the resolution, and I yield myself such time as I may consume.

I am pleased to see this resolution before us, and I want to commend Congresswoman WASSERMAN SCHULTZ and also Congresswoman CAPPS for their work on this issue. I appreciate their leadership to raise awareness, and I have grave concerns, very grave concerns on how this issue translates into the health reform bills that are currently before us. While I do rise in support of this, I do think that it is important, it is imperative, as a matter of fact, that we revisit why we are here and why we are having this discussion today. And it's important that we realize that, even with the resolution before us, it is not going to get to the crux of the issue, but it is a good, solid first step.

With or without a government-run health plan, H.R. 3962 would still be a massive takeover of health care. Government bureaucrats will be charged with making decisions of what can be in your health plan, and they can make it illegal for a health plan to cover anything not approved by the government. In the House version of the Democrats' health reform, the U.S. Preventive Services Task Force and its successor organization are cited over a dozen times and given disturbing new authority over coverage decisions regarding breast cancer screening.

For example, on page 1,762 of the Democrat health reform bill, the U.S. Preventive Services Task Force is given the authority to determine, and I'm quoting, ''the frequency'' and ''the population to be served.'' And quoting again from the bill, ''The procedure or technology to be used for breast cancer screenings covered under the Indian Health Service Act.'' Section 303 of H.R. 3962 states that the, and I'm quoting again, ''Commissioner shall,'' which is a mandate, Mr. Speaker, ''shall specify the benefits to be made available under exchange participating health plans.''

In plain English, that means the new health choices commissioner will determine what preventive services, including mammography, are covered under your health insurance based on what the task force says is right. Passing a resolution and passing this resolution before us, as I said, is a good, solid first step. However, I do believe to strike at the heart of the problem we, indeed, need to move forward on a motion to instruct conferees to make certain that we revisit this issue.

Under the Democrats' bill, the task force will set government policy and will determine what is covered and make it illegal for plans to cover other items. All recommendations of the Preventive Services Task Force and the Task Force on Community Preventive Services as in existence on the day before the date of the enactment of this act—which would be H.R. 3962—shall be considered to be recommendations of the Task Force on Clinical Preventive Services.

Mr. Speaker, in order to prevent any type of rationing, that is why we need to take even further steps. I commend my colleagues for their diligent work on this issue. It is the right first step, and I encourage all of us to continue to work to resolve the issue.

I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I wish to remind my colleagues that in the health reform bill, as it was considered in the House of Representatives, once the essential benefits package is established, it acts as a floor, not as a ceiling. And with regard to preventive services, the bill says that recommended items and services with a grade of A or B from the U.S. Preventive Services Task Force shall be covered as part of the essential benefits package, with no cost-sharing, and that the Secretary may approve such coverage, regardless of what the task force or the benefits advisory committee says.

And at this point I'm very pleased to yield to Representative WASSERMAN SCHULTZ, the sponsor of this legislation, 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, today I rise to support House Resolution 971, which underscores the importance of access to breast cancer screening for all women.

As many of you know, last month the United States Preventive Services Task Force issued guidelines regarding mammography screening for women. These guidelines reflect a change from USPSTF mammography recommendations that were issued in 2002, in that they recommend against routine screening mammography for women ages 40 to 49. But the new guidelines conflict with many of the well-established recommendations from the American Medical Association, the National Comprehensive Cancer Network, the American Cancer Society, and Susan G. Komen for the Cure.

In addition, numerous studies and scientific research over the past 20 years have confirmed that annual mammograms are of value to women ages 40 to 49. In fact, the task force itself concluded that screening women in their forties would reduce their risk of death from breast cancer by 15 percent, while finding that screenings for women in their fifties would reduce their risk of death from breast cancer by 14 percent. As a result, many young women and health care providers have been left feeling uncertain and concerned.

Recommendations like those the task force made are supposed to provide clarity for doctors and their patients. Unfortunately, the guidelines issued by the task force left most women and oncologists baffled. Currently, there is no available breast cancer screening tool that is perfect, but what is clear is that intervention through routine screening for breast cancer using mammography can save the lives of women at a time when medical science is unable to prevent this disease.

□ 1345

At the end of the day, mammography screening saves lives. And I offer this resolution to underscore the House's commitment to expanding access to preventive health care for women. This resolution underscores the sense of the House that the task force recommendations must not be used by insurers who are, at the end of the day, getting in between women and their doctors and getting women the access that they need to preventive services, and that they must not be used by insurers to deny women coverage for routine screenings.

It also urges the National Cancer Institute to invest and provide leadership to provide research to develop more effective research tools and strategies for improving the detection of breast cancer.

While we develop better tools for screening, we cannot leave certain women, particularly young women, with nothing, which is what the task force recommendations essentially did.

To be sure, while we have come a long way in the fight against breast cancer, we still have a long way to go. This year, in the United States alone, over 190,000 women will be diagnosed with breast cancer; 40,000 of them will not survive. That is why we cannot rest in our efforts to fund research and find a cure for this vicious disease, and it is why we cannot rest in our efforts to provide education and awareness for all women. We must ensure that they have access to screening and treatment, and we must ensure that we do all we can to support the more than 2½ million survivors that live in our country alone today.

As many of you know, and has been gratefully acknowledged, I recently had my own battle with breast cancer, and I am so grateful and humbled to count myself among this growing group of survivors. I was fortunate to have the access to the treatment and support that I needed to win my own fight. I urge my colleagues to vote in favor of this resolution to make sure that everyone has that same opportunity.

Mr. Speaker, since the task force issued these guidelines, I have spoken to so many young survivors who have

been left feeling so frustrated and as if their lives somehow mattered less than the lives of older women. And this resolution sends a message to those young women across America today that that is not so, that the House of Representatives, that the United States Government, cares about all women's lives.

And with all due respect to my good friend, Mrs. BLACKBURN, whom I greatly respect and I appreciate your support for this resolution, what this resolution does not do, and what the task force guidelines do not do, and what our health care reform bill does not do, is it does not ration health care. The gentlelady, if she reads the text of the health care reform legislation more clearly, will see that our language in our health care reform bill is a floor. The gentlelady should know that the Secretary of Health and Human Services can go beyond the task force's recommendations, that they can go further, and that at the very least the health care reform bill that we passed off the floor of this House ensures that women get access, all women get access to the appropriate preventive screening that they need and ensures that that coverage is free. And the Health and Human Services Secretary can go even further than those task force recommendations that are labeled at an A and at a B level.

And with that, Mr. Speaker, I appreciate the indulgence of the leadership and the support of my colleagues. And I want to particularly single out the colleague that sits to the left of me for being a leader on issues that are important to young women who are diagnosed with breast cancer. He has been an incredible advocate for young women survivors, and I greatly appreciate it.

Mrs. BLACKBURN. Mr. Speaker, at this time, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Ms. MYRICK), who has been a true champion of women and breast cancer issues and has really led on our side of the aisle as we have worked to deal with so many of these issues.

Mrs. MYRICK. Mr. Speaker, I thank my friend for yielding. I also thank my friends on the other side of the aisle, DEBBIE WASSERMAN SCHULTZ and LOIS CAPPS in particular. The two of them have been very, very up front and aggressive in leading the charge on these issues, and I'm grateful for it.

As you have already heard, the government's Preventive Services Task Force recently advised that women under 50 don't need mammograms, that those over 50 don't need them every year, and that doctors shouldn't encourage breast self-exams due to false positives. This is really shocking, because what message does that send to women?

We all know mammograms aren't perfect, and we hope that before long we are going to have better technology that will do the job. But cancer is a tricky disease, and breast cancer exams, sure, could lead to some tests that maybe aren't necessary, and the same with mammograms, and some people can say it's all nerve-racking to do it. But as a breast cancer survivor, I know that screening works. It saves lives.

And it's not always easy. I had to go to several doctors before my cancer was detected. If I hadn't been persistent and sought the timely screening which did find mine, I might not be standing here today. The simple truth is that screening does save lives. It makes a difference for many women, whether they are 40 years old, 65 years old, or 70 years old. It doesn't matter. Many women look for excuses anyway. They don't want to get screened for cancer. They really don't like to do it. And some of them say, I don't even want to know. Well, this recommendation certainly doesn't help that problem.

Statistically, maybe mammograms are a bit more likely to save your life if you're over 50, but they save lives for those under 50 every day, and we know that. What if your 45-year-old sister or daughter or your mother doesn't know she has cancer until it's too late? And as I said before, the recommendation even advised doctors to discourage breast self-exams. Come on. What more sensible, simple tool do women have to guard against what can be a very aggressive disease? After all, we don't know what causes cancer. And women need to pay close attention.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mrs. BLACKBURN. I yield the gentlewoman 30 additional seconds.

Mrs. MYRICK. Women need to pay close attention to their bodies, because if something is wrong, they need to be aggressive about testing and finding the answers, and it doesn't matter how old you are. As was mentioned, too, so many younger women are getting cancer today, so many more than ever did before, and we need to find out why. But in the meantime, we need to give them the options that they need.

And this resolution is a sense of Congress that these new recommendations shouldn't be used to deny women coverage or screening tests, and I urge my colleagues to support it.

Mrs. CAPPS. Mr. Speaker, may I require of the remaining time on this side?

The SPEAKER pro tempore. The gentlewoman from California has 11½ minutes remaining, and the gentlewoman from Tennessee has 14 minutes remaining.

Mrs. CAPPS. At this time, it's my pleasure to acknowledge and I yield to the Congressman from New York (Mr. ENGEL) 2½ minutes.

Mr. ENGEL. Mr. Speaker, I want to thank my colleague from the Health Subcommittee on the Energy and Commerce Committee, LOIS CAPPS, who is always a leader in issues like this. And I want to commend DEBBIE WASSERMAN SCHULTZ, the gentlewoman from Florida, for her courage in talking personally, as well as Congresswoman SUE MYRICK from North Carolina for speaking personally. This is obviously a disease that affects so many Americans and their families personally, so I rise in strong support of this resolution on the U.S. Preventive Services Task Force breast cancer screening guidelines.

As the second most common cancer among women in the U.S. and a leading cause of cancer death for women under 60, breast cancer is an issue that resonates with us all. The recent changes in recommendations for breast cancer screenings made by the U.S. Preventive Services Task Force on November 16 have been met with considerable attention and consternation nationwide. I can say quite frankly that I was extremely concerned that news reports related to these screenings would cause some women in their forties to no longer get mammograms annually for breast cancer.

I think what was announced was a mistake. This would really be a travesty if women were prevented from getting mammograms annually. We know that declines in breast cancer death rates since 1990 are primarily attributed to early detection and improvement in treatment. In fact, about 15,000 breast cancer deaths this year were prevented in part due to an expanded access to mammography. While our screening tools are not perfect, they are valuable, and leading medical advocacy groups, including the American Cancer Society, the American Medical Association, and Susan B. Komen for the Cure, continue to recommend annual mammography for women starting at age 40, not 50.

The USPSTF has since clarified that it never meant to send the message that women shouldn't get breast cancer screenings, but that in certain age groups women should consult with their personal physician about the benefits, risks, and limitations of mammography. Unfortunately, and the task force admitted this at a hearing in our Energy and Commerce Committee, this message has largely been lost in the media.

I therefore again commend the gentlewoman from Florida for her resolution today and really her work all year, guided by her personal experience, to improve education and awareness of the benefits of breast cancer screening. The guidelines of the USPSTF should certainly not be interpreted as prohibiting a health care insurer from providing coverage for mammography services and should not be used by insurers to deny coverage for services that are not recommended on a routine basis.

We recently marked the 25th anniversary of the National Breast Cancer Awareness Month, which celebrated great strides. We must continue that, and I urge support of the resolution.

Mrs. BLACKBURN. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS),

who has been a leader in the health care debate on our Energy and Commerce Committee.

Mr. ROGERS of Michigan. Mr. Speaker, I want to thank DEBBIE WASSERMAN SCHULTZ for her courage to get up here and talk about her ailment. I, too, am a cancer survivor, and it is a difficult process. But my concern is greater than even our own personal experiences. It is what is the actual result of that health care reform bill that leads us to this resolution.

We are scrambling around on the floor today to say that a government-appointed commission, this task force, has made a recommendation based on quality of year lives and cost, not good science, not that what saves lives, that women between 40 and 49 need not get mammograms. And you say, listen, that doesn't mean rationing. It doesn't mean anything. It doesn't have any weight of law. But guess what? The health care reform bill that passed this House makes those recommendations law.

Let me read a couple of quick things, Mr. Speaker, if I may. By the way, you have to go to three different sections, two different complete books, to understand how this impacts real women in America, some 2,000 pages into it.

One section: Limitation on individual health insurance coverage may only be offered on or after the first day of year one as an exchange-participating health care plan. Pretty fancy Washingtonspeak.

Let me tell you what it means in another section of the bill about 1,000 pages later: A health plan is prohibited from offering coverage for benefits not included in the essential benefits package.

And you say, Oh, no that's a floor.

It's not a floor. The language in the bill goes on further. And do you know what it does? It says that the only difference between the levels of plans is the amount of cost sharing, not what it covers.

Here is the scary part, of which I don't think you all realize that you did to about 47,000 women in America: All recommendations of the Preventive Services Task Force and the Task Force on Community Preventive Services as in existence on the day before the date or the enactment of this Act shall be considered to be recommendations.

The bill goes on to say that they must use that in the calculation of benefits. Guess what? Forty-seven thousand women who are under the age of 50 today will be diagnosed with late-stage breast cancer because of your bill. It's in your bill. It's in your language. Do you know what that means? Eighty percent of them will die because of their diagnosis.

Do you realize that more women will die because of this bill than we lost men in the Korean War? And I know you think, Oh, scare tactics.

No. It's the bill. But do you know what? You can't read it on page 1 or 2. You have to keep going back and forth in 2,000 pages to understand the full impact of what will happen to women who are 40 to 49 years old.

You did it in your bill.

I am going to plead with you. For the lives of 37,000 women who will die and 47,000 women, according to the recommendations of this task force which you make law——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. BLACKBURN. I yield the gentleman 30 additional seconds.

Mr. ROGERS of Michigan. I am going to plead with you, please read the bill, not just 1 to 2,000. Go back to the other sections and understand its full impact.

And you say, It won't happen in America. Guess what? This task force recommendation resulted on December 2 in California prohibiting low-income women under the age of 50 from receiving mammograms. It is happening today. This task force is doing it today. With your bill, it becomes law. They are prohibited. And it is illegal for them to get coverage other than what the government says they can get. And guess what? Mammograms don't qualify for women 40 to 49. Please think of those women and those families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that they are to address their comments to the Chair.

Mrs. CAPPS. Mr. Speaker, I would remind my colleague that at the hearing 2 weeks ago at the Energy and Commerce Committee, the breast cancer stakeholders were asked a simple question: Would H.R. 3962, the health reform bill, help women with breast cancer? Every witness on that panel, including the American Cancer Society, Komen, the National Breast Cancer Coalition, the American College of Physicians, every witness on the panel agreed that this bill, the health reform bill, will help women to prevent and women who already have breast cancer.

And at this point, I'm very pleased to yield 2 minutes to my colleague and a big supporter of the Breast Cancer Caucus, JERRY NADLER.

□ 1400

Mr. NADLER of New York. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in support of the resolution offered by our colleague, Representative WASSERMAN SCHULTZ.

With this resolution, which should have the full support of every Member of the House, we will be on record with our commitment not to allow women over 40 to go without the life-saving tests currently available to root out breast cancer at early stages. This resolution states our support for continued research into developing better tests so that no woman will face a death sentence due to a diagnosis of breast cancer.

I thank my colleague, Representative WASSERMAN SCHULTZ, for bringing this resolution to the floor; but, unfortunately, this resolution won't cure the potential problem created by, or actually highlighted by, or dampen the frustration sparked by the U.S. Preventive Services Task Force's decision a few weeks ago.

Even before the recommendations of the task force, and having nothing to do with the recommendations of the task force, many insurance companies today deny coverage for screening mammograms to women over 40. To deal with this problem, we should pass a bill that I introduced, H.R. 955, the Mammogram and MRI Availability Act, which would give assurance to women over 40 which would legally mandate that any insurance policy that covers diagnostic mammograms must also cover screening mammograms for all women over 40. Women over 40 would have legal assurances that no insurance company would be allowed to deny her coverage for a mammogram.

I hope this resolution will serve as a first step toward attaining adoption of mandatory legislation to guarantee annual mammography coverage to all women over 40 and MRIs to women who need it because they have a particular genetic or other family history indicating a specific susceptibility to breast cancer.

I ask my colleagues to show their commitment to women's health by voting ''yes'' on this resolution and by joining me as a cosponsor of H.R. 995.

Mrs. BLACKBURN. Mr. Speaker, at this time, I yield 3 minutes to Dr. GINGREY, the gentleman from Georgia who has practiced medicine, obstetrics and gynecology, has worked with women and women's health care issues, and joins us on the Energy and Commerce Committee.

Mr. GINGREY of Georgia. I thank the gentlewoman for yielding.

I do rise in full support of my good friend and colleague from Florida, Representative DEBBIE WASSERMAN SCHULTZ, for introducing this resolution. I certainly encourage all of my colleagues to support it. I am sure if we have a recorded vote, the vote will be 100 percent in favor of this resolution.

But, Mr. Speaker, as my colleague from Tennessee (Mrs. BLACKBURN) and my colleague from Michigan (Mr. ROGERS), both members of the Energy and Commerce Committee, both, as well as myself, at that hearing when we heard from the American Cancer Society and when we heard from the other witnesses, such as Susan G. Komen for the Cure organization, and in talking with my own specialty society, the American College of Obstetrics and Gynecology, they will continue to recommend very strongly that women in their 40s continue to be screened, to have mammogram screening, maybe even digital mammogram screening, because they are at high risk.

Mr. Speaker, as our colleagues have pointed out, the two in our body, our

colleagues that are victims of breast cancer, God forbid if they had not gotten early detection, maybe their outcome would not be so great. I think that because of early detection their cure is probably almost 100 percent.

So we are in a situation where physicians practicing across this country, they are sort of in a catch-22. If they don't follow these guidelines that will be passed in this bill, in the Senate version, when this United States Preventive Services Task Force will no longer be an organization making recommendations, but they will be making law, they will be issuing mandates, if a physician decides, well, my patient is in their 40s, I'm going to go ahead and order a mammogram anyway and that mammogram is suspicious and it leads to a needle biopsy, which may turn out to be negative, but it results in a complication, such as a breast abscess, that physician, Mr. Speaker, could be sued for practicing below the standard of government health care as established by this new massive bill that the Democrats want to force on the American public.

So I stand here commending Representative DEBBIE WASSERMAN SCHULTZ and this resolution; I am in favor of it. But I would also recommend that my colleagues on the Democratic side of the aisle instruct their conferees, if this massive health care reform bill goes to conference, to take this resolution with them and say, look, these are our concerns, change the language. That's my recommendation. That's what my colleagues can do for the women in this country, the 47,000 that Congressman MIKE ROGERS from Michigan was talking about.

I think my colleagues on this side of the aisle are absolutely right as they point out in this legislation what the danger is.

Mrs. CAPPS. Mr. Speaker, I am very pleased at this point to yield 1 minute to our colleague from Indiana (Mr. DONNELLY).

Mr. DONNELLY of Indiana. Mr. Speaker, I want to support the resolution of my colleague, DEBBIE WASSERMAN SCHULTZ, and support the importance of annual mammograms for women age 40 to 49. I, unfortunately, lost my mom to breast cancer when she was very young and when I was very young.

These mammograms save lives. There is nothing more important than the health of our moms, our daughters, our wives, our friends, and our sisters. So I support this resolution. I support these annual mammograms so that we lose no more of our loved ones.

Mrs. BLACKBURN. Mr. Speaker, at this time, I yield 1½ minutes to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Speaker, I rise today in support of the resolution offered by the gentlewoman from Florida, and I thank the gentlewoman from Tennessee for her leadership on this issue as well.

I recently met with New Jersey cancer survivors, cancer care advocates for the Susan G. Komen for the Cure in New Jersey, and medical professionals at the Steeplechase Cancer Center at Somerset Medical Center in Somerset County, New Jersey. Constituents voiced their objections with the task force recommendations, including Kathleen Petrozelli of Whitehouse Station, Hunterdon County, who shared her personal story of being diagnosed in her 40s with breast cancer.

I strongly oppose the task force recommendations against yearly screening in women 40 to 49. My mother died of breast cancer when my twin brother and I were 12. Her cancer was diagnosed when she was 47.

Most disappointing about the task force conclusions is the fact that they come on the heels of the fall 2009 report published by the American Cancer Society indicating a large decline in breast cancer deaths in women under 50.

Breast cancer continues to be the most common form of cancer in women. We should be promoting a Federal health policy of encouraging, not discouraging, mammography screening and self-examination for women 40 to 49 years of age.

Mrs. CAPPS. Mr. Speaker, I am now pleased to yield 1 minute to our colleague from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Speaker, I rise today in support of this resolution.

I thank Congresswoman DEBBIE WASSERMAN SCHULTZ for her leadership on this issue, an issue that defends women across the United States and advocates for their health and well-being.

Breast cancer is a real danger to women and their families; it is not an adversary to be underestimated. All in all, nearly 150,000 women will be diagnosed with breast cancer this year, and more than 40,000 women will sadly succumb to the disease; but some of these deaths can be prevented by mammograms and regular breast cancer screenings.

Let me tell you one story of a woman from my own district whose mammogram saved her life. Sue Kilburn of Meadville, Pennsylvania, was diagnosed with breast cancer when she was in her late 40s after an annual mammogram. Her doctor told her she had to choose between a lumpectomy and a mastectomy to treat the disease. Sue shared her journal with the Meadville Tribune newspaper. She writes: ''The words ring out unlike anything I have ever experienced before. I find no anger, just feel numb, dumbfounded, and questioning . . . how . . . when? It was just a routine mammogram.''

Sue survived her battle with breast cancer because she had a mammogram.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mrs. CAPPS. I am pleased to yield the gentlewoman an additional 30 seconds.

Mrs. DAHLKEMPER. If she was one of the thousands of women in my district without health care coverage, would she still be with us today?

Through this resolution and through passage of health care reform, we can ensure that the decision for mammogram testing remains between a woman and her doctor.

I urge my colleagues to support this resolution.

Mrs. BLACKBURN. At this time, I yield 1½ minutes to our ranking member on International Affairs, Ms. ROS-LEHTINEN from Florida.

Ms. ROS-LEHTINEN. I thank my good friend for the time.

I strongly support the resolution before us, Mr. Speaker, put forth by my good friend from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ, related to breast cancer screening. It is through more effective screening strategies that we will save lives. Early detection makes the difference in surviving this terrible disease.

As proven by the heroic fight that we heard this morning, the incredible stories of will and perseverance of our colleagues, Congresswomen DEBBIE WASSERMAN SCHULTZ and SUE MYRICK, screening must remain a priority; it must be our mission.

Almost everyone in this country, unfortunately, knows someone who has suffered from breast cancer. But, as is becoming more and more likely, we also know someone who has survived breast cancer, and they have survived breast cancer due to routine screening and early screening and screening for young women.

We must remain vigilant in our efforts to educate, to diagnose, and to treat. Let us make sure that our efforts to defeat this terrible disease is not put in jeopardy because insurance companies do not want to pay for routine screening for young women, screenings that could save their lives.

Thank you, my good friend from Tennessee.

Mrs. CAPPS. Mr. Speaker, may I inquire again as to the time that remains on our side.

The SPEAKER pro tempore. The gentlewoman from California has 4 minutes remaining, and the gentlewoman from Tennessee has 4½ minutes remaining.

Mrs. CAPPS. Mr. Speaker, at this point, I am very pleased to yield 1 minute to our colleague from Florida (Ms. KOSMAS).

Ms. KOSMAS. Mr. Speaker, I would like to thank my good friend, DEBBIE WASSERMAN SCHULTZ, for her personal courage, but also for her focus on this very important issue and to commend her for introduction of this important resolution.

Each of us knows, whether in our own personal lives or in that of our family and friends, how important it is that people get early detection and intervention for any type of cancer, but we know that breast cancer steals the lives of our women in this country—mothers, friends, sisters, and daughters.

Despite the task force report, we need to listen to commonsense and scientific-based guidelines that tell us that breast cancer screening for women ages 40 to 49 is extremely important and should not be ignored, despite the recommendation of the task force. Because we know these things to be true, the resolution states that the task force would not be used for insurers to deny coverage for routine screenings.

So through our support here of this resolution, my colleagues and I encourage all women to remain vigilant and to protect their health by getting regular mammograms at early ages.

Mrs. BLACKBURN. At this time, I yield 1½ minutes to Mrs. MCMORRIS RODGERS from Washington State, who is vice chair of our conference.

Mrs. MCMORRIS RODGERS. I thank the gentlewoman for yielding.

I, too, rise in support of this resolution and really do want to applaud the leadership of Representative DEBBIE WASSERMAN SCHULTZ, Representative LOIS CAPPS, and Representatives MARSHA BLACKBURN and SUE MYRICK.

Last month, many of us stood and voiced concern over these recommendations by the U.S. Preventive Services Task Force because we believed that they would turn back the clock on the war on breast cancer, recommendations that would no doubt impact the United States' 98 percent 5-year breast cancer survivability rate.

Republicans over and over have expressed our concern that health care reform would shortchange women. Well, through these recommendations made by the United States Preventive Services Task Force, you start to see what rationed care looks like; and in this example the potential impact on women when the government is making health care decisions for them, how the doctor-patient relationship is jeopardized, how bureaucrats, using computer software and statistics, will be making critical life-and-death decisions for women. This is wrong.

These recommendations mirror policies in single-payer nations like England, where women over 50 are invited once every 3 years to be screened. We cannot go down this same path. Yet this task force, which doesn't even include any oncologists or radiologists, recommended that women between ages 40 and 50 not get mammograms because saving one woman for every 2,000 screened was not worth the cost. Well, if you're that one woman, you might not see it that way. For that woman saved by early detection, the mammogram is well worth the cost.

America's health care system has been based on saving lives. It's Great Britain's health care system that is based on saving cost.

□ 1415

Mrs. CAPPS. I am pleased now to introduce and to acknowledge my colleague from Virginia, Congressman CONNOLLY, for 1 minute.

Mr. CONNOLLY of Virginia. Mr. Speaker, I want to join in with my colleagues on the other side in rejecting the findings of the task force, all 16 members who were appointed by Republican President George Bush.

Although the incidence of breast cancer in young women is much lower than that of older women, young women's cancers are generally more aggressive, are diagnosed at a later stage, and result in lower survival rates. In 2008 the American Cancer Society estimated there would be 182,460 new cases of breast cancer in women. Of these, more than 11,000 of these women would be under 40 years of age.

While no currently available breast cancer tool is perfect, we know that intervention, through routine screening for breast cancer, using mammography, can save lives of women at a time when medical science is still unable to prevent the disease. This resolution expresses the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49 and supports the importance of women's access to mammography screening.

I urge my colleagues on a bipartisan basis to support the resolution and commend Representative DEBBIE WASSERMAN SCHULTZ and Representative LOIS CAPPS for their leadership.

Mrs. BLACKBURN. I have an inquiry, Mr. Speaker. Is the gentlewoman from California prepared to close or does she have additional speakers?

Mrs. CAPPS. I have two additional speakers.

Mrs. BLACKBURN. I reserve the balance of my time.

Mrs. CAPPS. I am very pleased to yield 1 minute to our colleague from Colorado, Congresswoman MARKEY.

Ms. MARKEY of Colorado. Mr. Speaker, I rise today in support of mothers, daughters, sisters, aunts, nieces, and women across the country. Every person in this Chamber can name someone they know who has had breast cancer.

I am honored to support the resolution by my good friend and colleague, Congresswoman WASSERMAN SCHULTZ. DEBBIE's own courage and tenacity serve as an inspiration for all of us.

Recently released guidelines regarding breast cancer screening for women between the ages 40 and 49 have caused confusion and concern. The U.S. Preventive Services Task Force has an important role in researching health care policies that will lower costs and improve results across the country.

However, when early diagnosis and treatment has been proven to greatly reduce the risk of cancer, it's important that these decisions be made by women and their doctors, not a government task force. An early diagnosis of breast cancer can save a woman's life, and it's important that women can afford these screenings.

For that reason, I urge my colleagues to support this resolution.

Mrs. BLACKBURN. I continue to reserve the balance of my time.

Mrs. CAPPS. I am now pleased, Mr. Speaker, to yield to our colleague from Illinois, Congresswoman HALVORSON, 1 minute.

Mrs. HALVORSON. Mr. Speaker, I rise today in support of women across the country and protecting their access to cancer screenings. As the daughter of a breast cancer survivor—my mother got breast cancer under the age of 50—I understand the importance of regular mammograms and know they save lives.

I have met so many women across my district who are still with us today because of preventive care. We should always encourage women to get screened, and we should never allow insurance companies to stand between a woman, her doctor, and a procedure which may save her life. This is a disease that has affected so many of us in this Chamber and so many of our constituents back home.

I call on my colleagues to support this resolution and support women's health.

Mrs. BLACKBURN. Mr. Speaker, I think that all of us come here because of our concern, great concern, about women and mammography and the health care issues that are found before us.

When it comes to breast cancer, we are very grateful for early detection. We know it's important. Because of that, it is with great sadness that we have read what is in this bill.

In H.R. 3962, it clearly shows how the recommendations will limit America's choices and women's choices. Reading through the bill, section 2301 does establish the Task Force on Clinical Preventive Services, and it clearly says that A and B are priority levels for these treatments. You can read on page 1,318, and I do, Mr. Speaker. It says in line 2, the Commissioner shall ensure—shall ensure—that A and B is going to be the rating that is covered, but C is not.

What we are discussing in this 40 to 49 age group is those C ratings, and the Commissioner will not have the power to downgrade that decision. Section 222 of the bill—what you have in this resolution is going to be negated by section 222 of the bill that says the services designated A or B priority are part of the essential benefits package. So just saying that the guidelines would not prohibit an insurer from providing coverage, your own legislation is going to end up negating that, if that is signed into law.

The language of this bill is clear. All insurance providers must offer A and B priority services. They have no incentive or a mandate to offer priority C or below. That is where it affects women under 50 and women over age 75, and those, indeed, are valuable lives.

Mr. Speaker, we do look at this legislation. We look at section 2301 where it says that, All recommendations of the Preventive Services Task Force and the Task Force on Community Preventive Services, as in existence on the day before the date of the enactment of this Act, shall be considered to be the

recommendations of the Task Force on Clinical Preventive Services.

At that point, Mr. Speaker, unfortunately, they are going to have the full weight of law behind them. It is in the bill.

Yes, we look at this, and we see the bureaucrat in the exam room right here. We look at it, and we all know and have loved and have held family members in our arms that have been affected and would have lost their lives had they not had access to early detection. It concerns us.

Do not ration health care. Support the resolution, but let's go further in getting out of the bill.

I yield back the balance of my time.

Mrs. CAPPS. Mr. Speaker, in yielding back our time, I remind our colleagues that the truth is, when enacted into law, H.R. 3962 will result in millions of uninsured Americans receiving their first mammogram and will no longer face being dropped by their insurance company if they are diagnosed with cancer.

I wish to acknowledge and thank the leader of this resolution for her hard work, our colleague, Representative WASSERMAN SCHULTZ.

Ms. DELAURA. Mr. Speaker, I urge my colleagues to support this resolution, H.R. 971, which helps to clarify much of the unnecessary furor over mammograms we have experienced of late.

The recent breast cancer recommendations by the U.S. Preventive Services Task Force effectively said that women ages 40 to 49 should have a conversation with their doctors before deciding to have a screening mammograms. In other words, they were to attempt to put as much information as possible in the hands of women and their doctors, so they can assess their own risk and benefit.

Now, whatever decision women come to on this important matter, they need two things to ensure they have access to mammography should they decide to get screened: One is a quality health coverage so they have a doctor they can go speak to. And the second is coverage for mammograms and other important preventative services. And, of course, some women will need coverage for treatment if a cancer is found.

This is why I support this resolution, which argues that insurers should not deny coverage for mammograms for women ages 40 to 49 who decide to get screened. This is also why I support comprehensive health insurance reform, so that women can afford health care in the first place, and get coverage for that mammograms and any follow-up treatment they might need.

We must redouble our efforts across the board to ensure that Americans are getting the appropriate preventive screenings. Right now, according to the Centers for Disease Control and Prevention, only 25.9 percent of women ages 50 to 64 have received all the recommended preventive care for breast, cervical, and colorectal cancer, as well as influenza. Under health reform, women would finally get the preventive care they need.

In the meantime, there is a great need for more information, more research, and more scientific innovation to help women prevent, detect, and fight breast cancer, the second leading cause of cancer deaths among women. This resolution also urges the National Cancer Institute to continue to invest in research toward more effective screening tools and strategies for improving detection of breast cancer.

For all of these reasons, I strongly urge my colleague to support this resolution. Mammography is not perfect, but right now it is the best method we have to detect this killer in our midst. We need to make sure that as many women as possible have access to this important, life-saving procedure, and that better, safer screening procedures will soon be forthcoming.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 971, expressing the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49. I appreciate the leadership of the bill's author, my Judiciary Committee colleague Representative WASSERMAN SCHULTZ.

This resolution was introduced on the heels of new breast cancer screening guidelines issued last month by the U.S. Preventive Services Task Force (the "Task Force"), an independent panel of medical experts. These new guidelines have created cause for concern by some due to the change from the Task Force's 2002 mammography recommendations concerning mammography screening for women age 40–49.

In light of this concern, this resolution underscores the sense of the House that the Task Force recommendations should not prohibit insurance companies from providing mammography services in addition to those in the Task Force recommendations, and should not be used by insurers to deny women coverage for routine screenings. This resolution also urges the National Cancer Institute to continue to invest and provide leadership regarding research to develop more effective screening tools and strategies for improving detection of breast cancer.

This is not the first time recommendations about the use of mammography and breast self exams have been revisited—by the Task Force or NIH or any number of cancer-related research or advocacy groups. Just as we have seen with prostate cancer screening, immunization schedules, and other preventative care measures, new interpretations often result in a change in what experts tell us works most effectively. As the science of medicine evolves, so too, should the recommendations on the best use of that science.

Evolution and improvement are what the U.S. Preventive Services Task Force set out to achieve in undertaking a review of its 2002 mammography guidelines. The Task Force sought to take a fresh look of what has been learned over the last several years, and based upon that body of work, to provide its best professional judgment on what doctors and their patients should consider when they are making decisions about breast cancer screening. Despite the contention on this issue, I trust that the Task Force's deliberations and conclusions were driven by science and not by cost or insurance coverage.

Not withstanding the scientific basis for these new guidelines, I share the concern of Ms. WASSERMAN SCHULTZ and others such as the Susan G. Komen for the Cure Advocacy Alliance who point out that one-third of all American women do not undergo regular screening. Many of those who go without screening are African American and younger women. According to the Susan G. Komen for the Cure Advocacy Alliance the failure of age-appropriate women to undergo mammography costs lives and reflects problems with access to care and breast cancer education.

Mr. Speaker, we need to work as rapidly as possible to correct these deficiencies, and continue to fund research and education designed to eliminate health care disparities. We want to eliminate any impediments to regular mammography screening for women age 50 and below. While there may be disagreement about the exact timing of breast cancer assessments, I believe there is unanimous consensus over the importance of guaranteeing access to screening.

New screening approaches and more individualized recommendations for breast cancer screening are urgently needed. I support research initiatives designed to improve screening, and believe that it is imperative that this research move forward rapidly. Furthermore, I encourage African American and other women with unresolved questions about breast cancer screening to engage in discussion with their health care providers.

If the new guidelines have done nothing else, I believe it has at least raised awareness, not only amongst women, but amongst all Americans. As such, I encourage my colleagues to support this bill.

Mrs. CAPPS. I yield back the balance of my 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. 971.

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, 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.

DANIEL PEARL FREEDOM OF THE PRESS ACT OF 2009

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3714) to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries, establish a grant program to promote freedom of the press worldwide, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3714

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 "Daniel Pearl Freedom of the Press Act of 2009".

SEC. 2. INCLUSION OF ADDITIONAL INFORMATION RELATING TO FREEDOM OF THE PRESS WORLDWIDE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), as amended by section 333(c) of this division—

(A) in paragraph (10), by striking ''and'' at the end;

(B) in paragraph (11)—

(i) in subparagraph (B), by striking ''and'' at the end; and

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(12) wherever applicable—

''(A) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

''(B) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

''(C) in countries where there are particularly severe violations of freedom of the press—

''(i) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

''(ii) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.''; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

''(i) The report required by subsection (b) shall include, wherever applicable—

''(1) a description of the status of freedom of the press, including initiatives in favor of freedom of the press and efforts to improve or preserve, as appropriate, the independence of the media, together with an assessment of progress made as a result of those efforts;

''(2) an identification of countries in which there were violations of freedom of the press, including direct physical attacks, imprisonment, indirect sources of pressure, and censorship by governments, military, intelligence, or police forces, criminal groups, or armed extremist or rebel groups; and

''(3) in countries where there are particularly severe violations of freedom of the press—

''(A) whether government authorities of each such country participate in, facilitate, or condone such violations of the freedom of the press; and

''(B) what steps the government of each such country has taken to preserve the safety and independence of the media, and to ensure the prosecution of those individuals who attack or murder journalists.''.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. 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. BERMAN. Mr. Speaker, I rise in strong support of this legislation and yield myself as much time as I may consume.

H.R. 3714 reinforces and broadens our country's commitment to media freedom around the world. Dedicated to the memory of a prominent U.S. journalist who lost his life in the pursuit of truth, the Daniel Pearl Freedom of the Press Act will ensure that our embassies and consulates overseas bring word to Washington in a timely and regular fashion about those parts of the world where journalists face obstacles, harassment and physical harm merely for doing their job.

I want to particularly congratulate my colleague and recognize him, ADAM SCHIFF of California, for authoring this legislation which will enshrine in law the practice of including information about media freedom in the annual Country Reports on Human Rights Practices written by the Department of State.

With passage of this legislation, our embassies and consulates will be required to report every year on the status of press freedom in each country, both the good and the bad. Where media freedom is threatened in a country, our diplomats will report on what steps that government has taken to preserve journalists' safety and independence and to ensure the prosecution of those who commit violence against journalists.

Mr. Speaker, the dangers faced by the media worldwide continue to mount. On World Press Freedom Day this past May, Freedom House reported a seventh straight year of decline in global media freedom, with twice as many losses as gains and with deterioration occurring in every region of the world. Of the 195 countries and territories that Freedom House monitors, 36 percent have a free press while 31 percent are rated partly free and 33 percent not free at all. As the organization noted, ''The press is democracy's first defense, and its vulnerability has enormous implications for democracy if journalists are not able to carry out their traditional watchdog role.''

Daniel Pearl was one such watchdog. A long-standing correspondent for The Wall Street Journal and its South Asia bureau chief, he was investigating possible terrorism links in Pakistan in early 2002 when he was kidnapped, held hostage, tortured, and killed. His murder was videotaped and released on the Internet.

Although the circumstances of this horrific crime were meant to send a chilling message to the U.S. government and the world's media, it served instead to strengthen our resolve.

A number of initiatives have been established in his name to promote intercultural understanding and freedom of the press. We should let the legislation before us today, Mr. SCHIFF's bill, become part of this legacy in the interests of ensuring that those who would seek to extinguish the light of truth around the world will instead be dragged out of the shadows and defeated.

Mr. Speaker, I urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield myself such time as I may consume.

I rise in support of House Resolution 3714, the Daniel Pearl Freedom of the Press Act of 2009.

□ 1430

I want to thank the gentleman from California (Mr. SCHIFF), my good friend, and also my friend from Indiana (Mr. PENCE), our conference Chair, for introducing this important legislation on an issue of growing international concern.

A free press is indispensable to an informed public, to government accountability, and to the efficiency and integrity of public and commercial institutions. Here in the United States we enjoy the benefits of a robust free press, protected by the First Amendment to our Constitution. But in many other parts of the world, telling the truth as a journalist is dangerous and an even deadly calling.

Sadly, this fact was underscored by the life and death of the person for whom this bill is named, the brave and accomplished Wall Street Journal reporter Daniel Pearl. In 2002, while reporting in Pakistan, Pearl was kidnapped by violent Islamic extremists who chose to murder him on videotape, after compelling him to recite the fact of his Jewish religion on camera.

Whether the cause is extremism, corruption, political repression, or the dangers of reporting from conflict zones, journalists around the world face a rising tide of threats. So far this year, 68 journalists have been confirmed killed in the line of duty or because of their reporting. Nearly half of those, sadly, at least 30 journalists, were killed in the shocking election-related massacre in the southern Philippines on November 23. According to the Committee to Protect Journalists, there has been a 9 percent increase over the 2008 levels in the imprisonment of journalists worldwide. The one-party regime in China continues to imprison the largest number of reporters of any one nation.

But the Iranian regime runs a very close second, and its closure of yet another newspaper last week is another sad reminder of the extent to which it has targeted independent and foreign media in the aftermath of the widespread election-related protests by the Iranian people.

And rounding out the shameful top three, Cuba suffers perhaps the greatest per capita levels of press repression. Even though it has only one-twelfth of the population of China, the Cuban regime imprisons roughly the same number of journalists. Just last month,

state security agents detained and beat Cuban bloggers Yoani Sanchez, Claudia Cadelo, and Omar Luis Pardo Lazo as they were on their way to a peaceful march in Havana. What a sad irony that is.

To help address these and other outrages, the bill before us today would beef up press-related reporting in the State Department's annual Country Reports on Human Rights Practices. Among other issues, the expanded reports would describe the extent to which foreign governments are complicit in attacks on press freedoms and what steps are being taken to protect the media and to prosecute those who attack and murder journalists. This new reporting will help focus the sunlight of public scrutiny even more powerfully on these violators of basic rights.

I want to thank, again, Mr. SCHIFF and Mr. PENCE for bringing forward this important legislation, which deserves our unanimous support.

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

Mr. BERMAN. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this legislation, the gentleman from California (Mr. SCHIFF), my friend, colleague, and neighbor.

Mr. SCHIFF. At the outset, let me extend my thanks to my friend and fellow Californian, the distinguished chairman of the Foreign Affairs Committee, who has been such a forceful advocate on the issue of media freedom around the world.

By passing the Daniel Pearl Freedom of the Press Act today, the House brings much-needed attention to a critical human rights issue. It is especially auspicious that we do it today, December 15, which is Bill of Rights Day in honor of the first 10 amendments to our Constitution. The First Amendment, which guarantees freedom of speech and freedom of the press, is considered by many historians and legal scholars to be the single most important of our constitutional liberties.

We all remember when Daniel Pearl, a highly respected reporter from The Wall Street Journal, was kidnapped and murdered by terrorists in Pakistan just 4 months after 9/11. Although four of the kidnappers were convicted in July of 2002, seven other suspects, including those who allegedly helped murder Daniel, remain at large.

This past year has been particularly deadly for journalists. According to the Committee to Protect Journalists, a total of 89 journalists and media workers have been killed this year. More than a third of these victims, 30, were gunned down in one horrific incident in the Philippines when 29 journalists and at least one media support worker were ambushed and brutally slain on November 23 as they traveled with a convoy of people who intended to file gubernatorial candidacy papers for a provincial politician.

Unbelievable stories of physical harassment and acts of violence against journalists contribute to this grim picture. In Mexico, there has been a dramatic increase in attacks on media workers who try to cover corruption or gang activities. Very few of these attacks result in prosecution. As a result, journalists are driven towards censoring their own reporting out of fear for their personal safety and the lives of their families.

Legal mechanisms are also increasingly being used to restrict the media, both through overt censorship and through the use of repressive legislation. This past April, the Sudanese Parliament began consideration of a bill that grants unprecedented authority to impose strict disciplinary measures against journalists and allows the government to both confiscate printing equipment and determine journalists' suitability for their profession. Sudanese security officers visit newspapers nightly to determine what can be printed and what will be censored.

Freedom of expression cannot exist where journalists and the media are not independent and safe from repression, persecution, and physical attacks. And I believe freedom, accountability, and democracy cannot flourish without a free press. It is the essential check on the power of the state. Sadly, that power has tempted too many governments, drug cartels, arms smugglers, and others to target journalists in an effort to silence them. Sadder still is the indifference of governments worldwide who have failed to recognize that by failing to protect the media, we are endangering fragile, young democracies and buttressing autocratic regimes and criminal syndicates.

To highlight the work of journalists worldwide and to document the dangers they confront, my colleague from Indiana (Mr. PENCE) and I introduced the Daniel Pearl Freedom of the Press Act to focus the world's attention on those countries in which journalists are killed, imprisoned, kidnapped, threatened, or censored. I couldn't have a better partner in this legislation than Mr. PENCE, and I greatly appreciate his advocacy of the freedom of the press.

The legislation calls upon the Secretary of State to greatly expand its examination of the status of freedom of the press worldwide in the State Department's annual Country Reports on Human Rights Practices. The Daniel Pearl Act requires the State Department to identify countries in which there were violations of freedom of the press and whether the government authorities in those countries participate in, facilitate, or condone the violations. This report will spotlight those governments which seek to silence media opposition. It is my fervent hope that by spotlighting media repression in the human rights reports, American diplomats, Members of Congress, and journalists will press for greater protections and for the capture and punishment of those who abuse or kill reporters. We cannot and we must not remain silent in the face of these purposeful atrocities.

Again, I thank Chairman BERMAN for his leadership on human rights issues and his support for the Daniel Pearl Freedom of the Press Act. I also offer my gratitude again to my colleague from Indiana, who has been such a leader on this issue.

I urge all Members to support this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE), the chairman of our Republican Conference, a member of the Committee on Foreign Affairs. Mr. PENCE is the primary cosponsor of this measure, and I hope that he takes the time to talk about our next bill, the Iran Sanctions Act, as well.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I thank the gentlewoman for yielding.

Mr. Speaker, today I rise in support of H.R. 3714, the Daniel Pearl Freedom of the Press Act. I do so with a profound sense of privilege and gratitude to those who have gone before me on the floor today.

To Chairman BERMAN of California, to the ranking member, Ms. ROS-LEHTINEN of Florida, your partnership on behalf of a free and independent press on the world stage should be an inspiration to every American looking on these proceedings.

I especially want to express my appreciation for the visionary leadership of Congressman ADAM SCHIFF, who brought this legislation and who invited us to partner in his vision for expanding awareness of the people of the United States and the people of the world of the repression of the free press. Congressman SCHIFF and I were elected in the same year. We have undoubtedly followed different paths and usually voted differently on things. We occasionally disagree, but we always agree on freedom and a free and independent press, and I commend the gentleman from California for his singular leadership on this issue and the privilege of working with him.

It is altogether fitting, as the gentlewoman referred earlier, though, that I should do so not only during this debate but also in anticipation of the debate on the next legislation, a bipartisan measure known as the Iran Refined Petroleum Sanctions Act, to specifically point out the abuses of the regime in Iran and express my strong support for H.R. 2194 as well in the midst of this debate.

The reason why the Iran Refined Petroleum Sanctions Act has broad bipartisan support, and that will be reflected on the floor this day, is, among other reasons, the support for terrorism by Iran, the pursuit of weapons of mass destruction, the deception to the world community again and again. But to the point of this debate, it is also imperative that the people of the

United States of America send a message to Iran that the aggressive repression of a free press in Iran will not be tolerated in the form of normal relations with the United States of America either diplomatically or economically.

At this point, the Committee to Protect Journalists reports there are some 23 journalists in prison in Iran. Last week, we received word that another opposition newspaper was closed in Iran. And, of course, the world watched in horror in the aftermath of the blatantly fraudulent elections of this past June in Iran, as not only did the secret police stream into the streets to silence, oftentimes by billy club and violence, the dissidents, but we also watched in horror as the Internet was silenced, as YouTube videos were cut off, as access to the free flow of information was stymied by the brutality of the regime in Iran. So I endorse the legislation that will be brought up, but I see a nexus here between the two and can't help but reference it.

The legislation that Congressman SCHIFF and I have brought to the floor will serve two purposes:

Number one, it will remember the extraordinary sacrifice and courage of one Daniel Pearl, kidnapped and murdered by terrorists in Karachi, Pakistan just 4 months after the attacks of September the 11th, 2001. He was serving as a South Asia Bureau Chief for The Wall Street Journal that, at the time, was based in Mumbai, India. He went to Pakistan as part of an investigation into the alleged links between Richard Reid, the convicted would-be shoe bomber of American Airlines flight 63, and al Qaeda and Pakistan's Inter-Services Intelligence Agency. Tragically, Mr. Pearl was brutally executed by his captors. The legislation today is named in his memory, and I hope his family may well be looking on today and know that his memory, his courage, and his example of what it means to advance the practice of journalism on the world stage will never be forgotten in this body.

But the legislation today is not simply a tribute. The Daniel Pearl Freedom of the Press Act also will result in an effort to highlight and promote freedom of the press by including such reports in the State Department's annual Country Reports on Human Rights Practices information.

□ 1445

As we consider this legislation, we remember Daniel Pearl's legacy, and we think of the stories of so many others on the front lines of freedom.

Gustavo Azocar is a political talk show host, newspaper correspondent and blogger in Venezuela, and he is a vocal critic of Hugo Chavez. Azocar was jailed in 2009 after posting information about his court case online. Amnesty International's 2009 ''Report on Human Rights in Venezuela'' noted the physical attacks and imprisonment of journalists by this corrupt and despotic regime.

As a conservative who believes in limited government, I believe the only check on government power in real-time is a free and independent press. I don't believe our Founders put the First Amendment, freedom of the press, in our Bill of Rights because they got good press. I believe it's because they believed in limited government and believed in the need to constrain consolidations of power.

A free and independent press ensures the free flow of information to the public. It serves as a vital check on such abuses during a time when the role of government in our lives and in our enterprises here at home seems to grow every day. Yet taking a stand today for the principle of a free press, not only home but in making the means available to hold the lamp of liberty high and to shine it deep into the crevices of this world to expose abuses of the freedom of the press, is a noble task, indeed. So I rise today in support of this legislation.

I commend Chairman BERMAN and Ranking Member ROS-LEHTINEN for their bipartisan leadership. I commend the gentleman from California, Congressman ADAM SCHIFF, for his visionary leadership in bringing this legislation to the floor.

More importantly than that, I salute the bravery of reporters like Daniel Pearl and Gustavo Azocar and of press outlets around the world which, day in and day out, stand in the gap, oftentimes risking their liberty and, in the case of Daniel Pearl, in fact, risking his life to do the work of a free and independent press in the world.

I urge those in that service to stand firm, to take heart and to know that those of us in public life, that those of us in public service, also understand that those who serve in the world of journalism are also in the business of public service.

I urge this Congress to stand in solidarity with those on the front lines of the worldwide fight for the freedom of the press, and I urge support for the Daniel Pearl Freedom of the Press Act and for the legislation that will follow.

Ms. ROS-LEHTINEN. I am very pleased to yield 5 minutes to the gentleman from Texas, Judge POE, a member of the Committee on Foreign Affairs and a cosponsor of this measure. I hope that he will address not only this resolution but the one that follows it, the Iran Refined Petroleum Sanctions Act.

Mr. POE of Texas. I appreciate the gentlewoman for yielding. I totally support this legislation.

Mr. Speaker, the First Amendment to our Constitution is first for a reason. The items stated in the First Amendment—the right of freedom of religion, the right of freedom of speech and of a free press and the right to peaceably assemble—are in the First Amendment because they are the most important. Without those four, the rest of the amendments that follow are meaningless, especially the two which deal with freedom of speech and with the freedom of press.

You will notice the amendment to our Constitution guarantees a free press. It does not guarantee a fair press, as ''fair'' is always in the eyes of the beholder; but it guarantees the right that a press may exist and communicate, first, through the written word about what is taking place in a free society, in a democracy, in a republic. Iran is a perfect example of a nation that does not believe in a free press or in a press of any kind. It does not want to have its illegitimate regime exposed to the world in order to let the world know what is taking place in that country.

We have all seen the students who protested last summer and, more recently, in the last week and a half. We have all seen how the regime in Iran blocked Internet access and blocked cell phone usage so that photographs of what took place could not be transmitted somewhere else. We have seen that journalists were hauled off to jail and were tried before the star chamber in secret and that some of them were sentenced to the penitentiary. Speech is silenced in Iran, both that of the oral word and the written word. A free press is the enemy of a dictator.

President Ahmadinejad is in defiance of world peace. He is determined to build nuclear weapons, and he is determined to build missiles that are capable of delivering those nuclear weapons. Of course, he has made those plans of his clear to destroy Israel and to be a constant threat to the West, especially to Europe and to the United States. He oppresses his own people. That is why those people, those young people, including journalists and reform clergy members, are opposing his legitimacy to be ruler over them.

My own opinion is that, in that nation, the more the world hears about what takes place there, the more the world will support the people of Iran and a regime change. I hope that we stand by the people of Iran, who desire to have self-determination and to rule their country in spite of their rogue dictator.

Of course, now before us today is another bill regarding sanctions of Iran. I, personally, am not a big fan of sanctions. Historically, they haven't worked. Some countries have always figured out a way to get around it. To me, sanctions usually mean that we kick the problem on down the road with the intention of maybe dealing with it later. However, preventing refined gasoline from getting to Iran is a good idea, and that is what this sanction that we will talk about later and vote on is all about. It may have the result of helping the people of Iran change their illegitimate government.

Mr. Speaker, dictators hate a free press, but a free press is essential to a free people whether those free people are in the United States or whether those free people are in the nation of Iran.

And that's just the way it is.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman. I will be very brief.

Mr. Speaker, I wanted to add to the comments that my colleagues have made in their segue to the bill that follows the Daniel Pearl Freedom of the Press Act, which is the Iran Refined Petroleum Sanctions Act.

I am a strong supporter of this legislation. I commend my colleagues, Chairman BERMAN and Ranking Member ROS-LEHTINEN, for their leadership on this issue.

One of the most serious threats facing our country is the prospect of a nuclear-armed Iran. This is an oppressive regime, one that has threatened to wipe one of its neighbors off the map. The possession of a nuclear bomb by Iran is enormously dangerous in its own regard, but it is all the more destabilizing in its potential of starting a nuclear arms race in the Middle East.

The President has offered carrots and the international community has offered carrots to Iran to step back from its pursuit of nuclear weapons. The Congress today takes an important step to make sure that there are sticks which are offered as well if Iran refuses the very generous offer by the international community to reprocess uranium—to provide it for peaceful energy purposes, to have Iran send its uranium out of the country so that it can be put in a form where it cannot be used for nuclear weapons.

This legislation, which will potentially crack down on Iran's ability to refine its petroleum, will put the most severe pressure on the Iranian regime to back away from a program that time and again we have seen it pursue, as much as it has declared to the contrary. So this legislation, I think more so than any other, will put teeth in a regime of sanctions, will put pressure on Iran to back away from its nuclear bomb-making efforts, and in so doing, will inure to the safety of our own country, to the safety of Israel and to the entire region.

So I thank the chairman for his leadership on this. I urge my colleagues to support the Iran Refined Petroleum Sanctions Act.

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

Mr. Speaker, I would like to take the time to talk about the problems of media control in Venezuela as ruled by Hugo Chavez.

As we know, there was a new intelligence report that outlined the schemes of Hugo Chavez, who is the supposed President of Venezuela, to control media. It is a sign of further deterioration of the freedom of expression, of democracy and of human rights in Venezuela under the Chavez rule.

He ratcheted up his rhetoric against free speech and against political opponents by shutting down broadcast stations across the country. These are assaults on the pillars of a democratic society, and they will continue unabated unless responsible nations stand up to Chavez and send a clear message to him and to others in the region that this behavior will not be tolerated.

There is a list that I would like to read of five journalists who were killed in Venezuela: Orel Sambrano of ABC de la Semana and Radio America, who was killed on January 16, 2009, in Valencia; Jorge Aguirre of Cadena Capriles, who was killed on April 5, 2006, in Caracas; Jorge Ibrain Tortoza Cruz, who was killed on April 11, 2002, in Caracas; Maria Veronica Tessari of Colombian Media, who was killed on January 15, 1993, in Caracas; and Virgilio Fernandez of El Universal, who was killed on November 27, 1992, in La Carlota, Venezuela.

Just a little while ago, the Committee to Protect Journalists gave us the news of a journalist who was critical of the Venezuelan Government. He was arrested on contempt of court charges. Journalist Gustavo Azocar was arrested with trumped-up charges. Azocar is the host of a news and political commentary show on local TV station Televisora del Tachira, and is a correspondent for the national daily El Universal in the western city of San Cristobal.

These are just more examples of the repression and suppression of free press by Hugo Chavez of Venezuela.

Mr. ENGEL. Would the gentlewoman yield?

Ms. ROS-LEHTINEN. Yes, I yield to the chairman of the Western Hemisphere Subcommittee, my good friend from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentlewoman for yielding.

Mr. Speaker, as she was mentioning Venezuela, quite wisely, I agreed with everything she said about the lack of freedom of the press and about the shutting down of opposition newspapers. Because the next bill we will be talking about involves sanctions against Iran, as Subcommittee chairman of the Western Hemisphere, I want to raise a concern about Venezuela, which arose at my October hearing, on Iran's role in the Western Hemisphere.

Venezuelan leader Hugo Chavez recently agreed to provide 20,000 barrels per day of refined gasoline to Iran. It's anyone's guess as to whether this will be implemented, but the deal may be covered by the bill that we consider now and that we are considering next. While some question whether Venezuela has the ability to provide gasoline to Iran, since it imports some gasoline to meet its own domestic demand, President Chavez is clearly approaching a perilous area. I hope that Chavez reconsiders this unwise step.

I thank the gentlewoman, as always, for pointing out what is going on.

Ms. ROS-LEHTINEN. I thank the gentleman.

Mr. Speaker, he makes excellent points also about the tie-in between Chavez and Ahmadinejad as they seek to suppress any dissidents and any free press.

I yield back the balance of my time.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 3714, the Daniel Pearl Freedom of the Press Act of 2009. This legislation amends the Foreign Assistance Act of 1961 by expanding. the Annual Country Reports on Human Rights Practices to include information about freedom of the press in foreign countries and establishing a grant program to promote freedom of the press worldwide. I support this resolution because I believe that freedom of the press is an important pillar of democracy and should be actively promoted in our foreign policy.

I would like to first thank my colleague, Congressman ADAM SCHIFF, for introducing this valuable legislation. Freedom of the press is essential to a functioning democracy. In 1823, Thomas Jefferson said, ''The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary, to keep the waters pure.'' Unfortunately, the truth of that statement, which is codified in the United States Constitution, is not universally recognized and the freedom of the press is not universally protected.

In Iran, for example, the government assiduously monitors the press and journalists and media outlets face government repression if protocol is not followed. An Iranian journalist, Fariba Pajooh, has been detained since August of this year without being told of her charge. That is merely the tip of the iceberg: according to Reporters without Borders, since the June Presidential election, the Iranian government has arrested more than 100 reporters and sentenced those reporters to more than 65 years in prison.

Not coincidentally, those governments that refuse to recognize the freedom of the press are the same governments who have the most to fear from democracy. Governments that suppress, intimidate, or oppress journalists do so because their regimes do not have the full legitimacy that marks democratic governments. It is understandable but not forgivable that a government afraid of the destabilizing influence of the truth would restrict the press. The long-term best interest of any country is protected, though, when a country is allowed to know the truth about its government and the world.

H.R. 3714 provides the United States and the world with a powerful tool to advocate for freedom of the press. Under this legislation, the State Department will be required to include freedom of the press in the Annual Country reports on Human Rights Practices. The State Department will describe the positive and negative steps that governments have taken with regards to freedom of the press. Additionally, H.R. 3714 establishes a grant program whereby the U.S. State Department can fund activities by nonprofit and international organizations to strengthen independent journalism, promote laws protecting the freedom of the press, and provide training to professionalize journalists.

This legislation will raise the profile of freedom of the press around the world. By enumerating the abuses committed as well as the positive steps taken towards a free press, the

world will see plainly the status of democracy in every country. Additionally, it will allow the United States to help foster independent journalism in countries in every region that do not have the tradition or the capacity for a professional free press.

In addition to the foreign policy benefits, I support this legislation, because I believe that it is a fitting tribute to a great American, Daniel Pearl. Mr. Pearl was a Wall Street Journal correspondent who was abducted and beheaded in Karachi, Pakistan in early 2002. His life was spent in the pursuit of spreading truth through professional journalism and in his death he has become a symbol of the free press. This bill adds to the legacy he built with his life.

The SPEAKER pro tempore (Mr. PERRIELLO). The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 3714, 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. BERMAN. 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.

□ 1500

IRAN REFINED PETROLEUM SANCTIONS ACT OF 2009

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2194) to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2194

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 ''Iran Refined Petroleum Sanctions Act of 2009''.

SEC. 2. FINDINGS; SENSE OF CONGRESS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The illicit nuclear activities of the Government of Iran—combined with its development of unconventional weapons and ballistic missiles, and support for international terrorism—represent a serious threat to the security of the United States and U.S. allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible nations have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.

(3) The International Atomic Energy Agency (IAEA) has repeatedly called attention to Iran's unlawful nuclear activities, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of Iran to suspend those activities and comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (commonly known as the ''Nuclear Non-Proliferation Treaty'').

(4) As a presidential candidate, then-Senator Obama stated that additional sanctions, especially those targeting Iran's dependence on imported refined petroleum, may help to persuade the Government of Iran to abandon its illicit nuclear activities.

(5) On October 7, 2008, then-Senator Obama stated, ''Iran right now imports gasoline, even though it's an oil producer, because its oil infrastructure has broken down. If we can prevent them from importing the gasoline that they need and the refined petroleum products, that starts changing their cost-benefit analysis. That starts putting the squeeze on them.''.

(6) On June 4, 2008, then-Senator Obama stated, ''We should work with Europe, Japan, and the Gulf states to find every avenue outside the U.N. to isolate the Iranian regime—from cutting off loan guarantees and expanding financial sanctions, to banning the export of refined petroleum to Iran.''.

(7) Major European allies, including the United Kingdom, France, and Germany, have advocated that sanctions be significantly toughened should international diplomatic efforts fail to achieve verifiable suspension of Iran's uranium enrichment program and an end to its nuclear weapons program and other illicit nuclear activities.

(8) The serious and urgent nature of the threat from Iran demands that the United States work together with U.S. allies to do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring a nuclear weapons capability.

(9) The human rights situation in Iran has steadily deteriorated in 2009, as punctuated by the transparent fraud that occurred on June 12, 2009, the brutal repression and murder, arbitrary arrests, and show trials of peaceful dissidents, and ongoing suppression of freedom of expression.

(10) The Iranian regime has been unresponsive to, and at times contemptuous of, the Obama Administration's unprecedented and serious efforts at engagement, revealing that Tehran is not interested in a diplomatic resolution, as made clear, for example, by the following:

(A) Iran's apparent rejection of the Tehran Research Reactor plan, generously offered by the United States and its partners, of potentially great benefit to the Iranian people, and endorsed by Iran's own negotiators in October, 2009.

(B) Iran's ongoing clandestine nuclear weapons program, as evidenced by its work on the secret uranium enrichment facility at Qom, its subsequent refusal to cooperate fully with IAEA inspectors, and its announcement that it would build 10 new uranium enrichment facilities.

(C) Iran's ongoing arms exports and support to terrorists in direct contravention of United Nations Security Council resolutions.

(D) Iran's absurd claims that the West, and specifically the United States, have fomented the waves of anti-regime protests that followed the June 12, 2009, election in Iran.

(E) Iran's July 31, 2009, arrest of three young Americans on spying charges.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) international diplomatic efforts to address Iran's illicit nuclear efforts, unconventional and ballistic missile development programs, and support for international terrorism are more likely to be effective if the President is empowered with the explicit authority to impose additional sanctions on the Government of Iran;

(2) the concerns of the United States regarding Iran are strictly the result of the actions of the Government of Iran;

(3) the revelation in September 2009 that Iran is developing a secret uranium enrichment site on an Islamic Revolutionary Guard Corps base near Qom, which appears to have no civilian application, highlights the urgency for Iran to fully disclose the full nature of its nuclear program, including any other secret locations, and provide the International Atomic Energy Agency (IAEA) unfettered access to its facilities pursuant to Iran's legal obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and Iran's Safeguards Agreement with the IAEA;

(4) because of its involvement in Iran's nuclear program and other destabilizing activities, the President should impose sanctions, including the full range of sanctions otherwise applicable to Iran, on any individual or entity that is an agent, alias, front, instrumentality, representative, official, or affiliate of the Islamic Revolutionary Guard Corps or is an individual serving as a representative of the Islamic Revolutionary Guard Corps, or on any person that has conducted any commercial transaction or financial transaction with such entities;

(5) Government to Government agreements with Iran to provide the regime with refined petroleum products, such as the September 2009 agreement under which the Government of Venezuela committed to provide 20,000 barrels of gasoline per day to Iran, undermine efforts to pressure Iran to suspend its nuclear weapons program and cease all enrichment activities; and

(6) the people of the United States—

(A) have feelings of friendship for the people of Iran; and

(B) hold the people of Iran, their culture, and their ancient and rich history in the highest esteem.

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

(1) to prevent Iran from achieving the capability to make nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program;

(2) to fully implement and enforce the Iran Sanctions Act of 1996 as a means of encouraging foreign governments to—

(A) direct state-owned entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran; and

(B) require private entities based in their territories to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran;

(3) to impose sanctions on—

(A) the Central Bank of Iran, and any other financial institution in Iran that is engaged in proliferation activities or support of terrorist groups, and

(B) any other financial institution that conducts financial transactions with the Central Bank of Iran or with another financial institution described in subparagraph (A),

including through the use of Executive Orders 13224, 13382, and 13438 and United Nations Security Council Resolutions 1737, 1747, 1803, and 1835;

(4) to persuade the allies of the United States and other countries to take appropriate measures to deny access to the international financial system by Iranian banks and financial institutions involved in proliferation activities or support of terrorist groups;

(5) to support all Iranian citizens who embrace the values of freedom, human rights, civil liberties, and the rule of law; and

(6) for the Secretary of State to make every effort to assist United States citizens held hostage in Iran at any time during the period beginning on November 4, 1979 and ending on January 20, 1981, and their survivors in matters of compensation related to such citizens' detention.

SEC. 3. AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996.

(a) EXPANSION OF SANCTIONS.—Section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(a) SANCTIONS WITH RESPECT TO THE DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN AND EXPORTATION OF REFINED PETROLEUM TO IRAN.—

''(1) DEVELOPMENT OF PETROLEUM RESOURCES OF IRAN.—

''(A) INVESTMENT.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6(a) if the President determines that a person has knowingly, on or after the date of the enactment of this Act, made an investment of $20,000,000 or more (or any combination of investments of at least $5,000,000 each, which in the aggregate equals or exceeds $20,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Iran's ability to develop petroleum resources of Iran.

''(B) PRODUCTION OF REFINED PETROLEUM PRODUCTS.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) if the President determines that a person knowingly sells, leases, or provides to Iran any goods, services, technology, information, or support, or enters into a contract to sell, lease, or provide to Iran any goods, services, technology, information, or support, that would allow Iran to maintain or expand its domestic production of refined petroleum products, including any assistance in the construction, modernization, or repair of refineries that make refined petroleum products, if—

''(i) the value of the goods, services, technology, information, or support provided in such sale, lease, or provision, or to be provided in such contract, exceeds $200,000; or

''(ii) the value of the goods, services, technology, information, or support provided in any combination of such sales, leases, or provision in any 12-month period, or to be provided under contracts entered into in any 12-month period, exceeds $500,000.

''(2) EXPORTATION OF REFINED PETROLEUM PRODUCTS TO IRAN.—

''(A) IN GENERAL.—Except as provided in subsection (f), the President shall impose the sanctions described in section 6(b) if the President determines that a person knowingly provides Iran with refined petroleum products or knowingly engages in any of the activities described in subparagraph (B), if—

''(i) the value of such products or of the goods, services, technology, information, or support provided or to be provided in connection with such activity exceeds $200,000; or

''(ii) the value of such products, or of the goods, services, technology, information, or support, provided or to be provided in connection with any combination of providing such products or such activities, in any 12-month period exceeds $500,000.

''(B) ACTIVITIES DESCRIBED.—The activities referred to in subparagraph (A) are the following:

''(i) Providing ships, vehicles, or other means of transportation to deliver refined petroleum products to Iran, or providing services relating to the shipping or other transportation of refined petroleum products to Iran.

''(ii) Underwriting or otherwise providing insurance or reinsurance for an activity described in clause (i).

''(iii) Financing or brokering an activity described in clause (i).''.

(b) DESCRIPTION OF SANCTIONS.—Section 6 of such Act is amended—

(1) by striking ''The sanctions to be imposed on a sanctioned person under section 5 are as follows:'' and inserting the following:

''(a) IN GENERAL.—The sanctions to be imposed on a sanctioned person under subsections (a)(1)(A) and (b)(1) of section 5 are as follows:'';

(2) in paragraph (4), by striking ''section 5'' each place it appears and inserting ''subsections (a)(1)(A) and (b) of section 5''; and

(3) by adding at the end the following:

''(b) ADDITIONAL MANDATORY SANCTIONS.—The sanctions to be imposed on a sanctioned person under paragraphs (1)(B) and (2) of section 5(a) are as follows:

''(1) FOREIGN EXCHANGE.—The President shall prohibit any transactions in foreign exchange by the sanctioned person.

''(2) BANKING TRANSACTIONS.—The President shall prohibit any transfers of credit or payments between, by, through, or to any financial institution, to the extent that such transfers or payments involve any interest of the sanctioned person.

''(3) PROPERTY TRANSACTIONS.—The President shall prohibit any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation, or exportation of, dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which the sanctioned person has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States.

''(c) ADDITIONAL MEASURE RELATING TO REFINED PETROLEUM PRODUCTS.—

''(1) IN GENERAL.—The head of each executive agency shall ensure that each contract with a person entered into by such executive agency for the procurement of goods or services, or agreement for the use of Federal funds as part of a grant, loan, or loan guarantee to a person, includes a clause that requires the person to certify to the contracting officer or other appropriate official of such agency that the person does not conduct any activity described in paragraph (1)(B) or (2) of section 5(a).

''(2) EXCLUSION.—Paragraph (1) shall not apply to a loan or other program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), or to any payment of educational assistance by the Secretary of Veterans Affairs under title 38, United States Code.

''(3) REMEDIES.—

''(A) IN GENERAL.—If the head of the executive agency determines that such person has submitted a false certification under paragraph (1) after the date on which the Federal Acquisition Regulation is revised to implement the requirements of this subsection, the head of an executive agency may terminate a contract, or agreement described in paragraph (1), with such person or debar or suspend such person from eligibility for Federal contracts or such agreements for a period not to exceed 3 years. Any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations.

''(B) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each person that is debarred, suspended, proposed for debarment, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification under subparagraph (A).

''(C) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

''(4) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to provide for the implementation of the requirements of this subsection.

''(5) CLARIFICATION REGARDING CERTAIN PRODUCTS.—Section 5(f)(2) applies with respect to the imposition of remedies under paragraph (3) to the same extent as such section applies with respect to sanctions under subsection (a) or (b) of section 5.''.

(c) ADDITIONAL MANDATORY SANCTIONS RELATING TO TRANSFER OF NUCLEAR TECHNOLOGY.—Section 5(b) of the Iran Sanctions Act of 1996 is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such paragraphs 2 ems to the right;

(2) by striking ''The President shall impose'' and inserting the following:

''(1) IN GENERAL.—The President shall impose'';

(3) by striking ''section 6'' and inserting ''section 6(a)''; and

(4) by adding at the end the following:

''(2) ADDITIONAL SANCTION.—

''(A) RESTRICTION.—In any case in which a person is subject to sanctions under paragraph (1) because of an activity described in such paragraph that relates to the acquisition or development of nuclear weapons or related technology or of missiles or other advanced conventional weapons that are capable of delivering a nuclear weapon, then notwithstanding any other provision of law, the following measures shall apply with respect to the country that has jurisdiction over such person, unless the President determines and notifies the appropriate congressional committees that the government of such country has taken, or is taking, effective actions to penalize such person and to prevent a reoccurrence of such activity in the future:

''(i) No agreement for cooperation between the United States and the government of such country may be submitted to the President or to Congress pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), or may enter into force.

''(ii) No license may be issued for the export, and no approval may be given for the transfer or retransfer, directly or indirectly, to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to an agreement to cooperation.

''(B) CONSTRUCTION.—The restrictions in subparagraph (A) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws.

''(C) DEFINITION.—In this paragraph, the term 'agreement for cooperation' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).''.

(d) STRENGTHENING OF WAIVER AUTHORITY AND SANCTIONS IMPLEMENTATION.—

(1) INVESTIGATIONS.—Section 4(f) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(A) in paragraph (1)—

(i) by striking ''should initiate'' and inserting ''shall immediately initiate'';

(ii) by inserting ''or 5(b)'' after ''section 5(a)''; and

(iii) by striking ''as described in such section'' and inserting ''as described in section 5(a)(1) or other activity described in section 5(a)(2) or 5(b) (as the case may be)''; and

(B) in paragraph (2), by striking ''should determine, pursuant to section 5(a), if a person has engaged in investment activity in Iran as described in such section'' and inserting ''shall determine, pursuant to section 5(a) or (b) (as the case may be), if a person has engaged in investment activity in Iran as described in section 5(a)(1) or other activity described in section 5(a)(2) or 5(b) (as the case may be)''.

(2) GENERAL WAIVER AUTHORITY.—Section 9(c) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(A) in paragraph (1)—

(i) by inserting after ''on a person described in section 5(c),'' the following: ''or on a country described in section 5(b)(2)(A) (if the President certifies to the appropriate congressional committees that the President is unable to make the determination described in such section 5(b)(2)(A) with respect to the government of that country),''; and

(ii) by striking ''important to the national interest of the United States'' and inserting ''vital to the national security interest of the United States''; and

(B) in paragraph (2)—

(i) in subparagraphs (A), (B), and (D), by striking ''or (b)'' each place it appears and inserting ''or (b)(1)''; and

(ii) by amending subparagraph (C) to read as follows:

''(C) an estimate of the significance of the provision of the items described in paragraph (1) or (2) of section 5(a) or section 5(b)(1) to Iran's ability to develop its petroleum resources, to maintain or expand its domestic production of refined petroleum products, to import refined petroleum products, or to develop its weapons of mass destruction or other military capabilities (as the case may be); and''.

(e) REPORTS ON UNITED STATES EFFORTS TO CURTAIL CERTAIN BUSINESS AND OTHER TRANSACTIONS RELATING TO IRAN.—Section 10 of such Act is amended—

(1) in subsection (a), by amending paragraph (4) to read as follows:

''(4) Iran's use in the Middle East, the Western Hemisphere, Africa, and other regions, of Iranian diplomats and representatives of other government and military or quasi-governmental institutions or proxies of Iran, including, but not limited to, Hezbollah, to promote acts of international terrorism or to develop or sustain Iran's nuclear, chemical, biological, and missile weapons programs.''; and

(2) by adding at the end the following:

''(d) REPORTS ON CERTAIN BUSINESS AND OTHER TRANSACTIONS RELATING TO IRAN.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009, and every 6 months thereafter, the President shall submit a report to the appropriate congressional committees regarding any person who has—

''(A) provided Iran with refined petroleum products;

''(B) sold, leased, or provided to Iran any goods, services, or technology that would allow Iran to maintain or expand its domestic production of refined petroleum products; or

''(C) engaged in any activity described in section 5(a)(2)(B).

''(2) DESCRIPTION.—For each activity set forth in subparagraphs (A) through (C) of paragraph (1), the President shall provide a complete and detailed description of such activity, including—

''(A) the date or dates of such activity;

''(B) the name of any persons who participated or invested in or facilitated such activity;

''(C) the United States domiciliary of the persons referred to in subparagraph (B);

''(D) any Federal Government contracts to which the persons referred to in subparagraph (B) are parties; and

''(E) the steps taken by the United States to respond to such activity.

''(3) ADDITIONAL INFORMATION.—The report required by this subsection shall also include a list of—

''(A) any person that the President determines is an agent, alias, front, instrumentality, representative, official, or affiliate of the Islamic Revolutionary Guard Corps or is an individual serving as a representative of the Islamic Revolutionary Guard Corps;

''(B) any person that the President determines has knowingly provided material support to the Islamic Revolutionary Guard Corps or an agent, alias, front, instrumentality, representative, official, or affiliate of the Islamic Revolutionary Guard Corps; and

''(C) any person who has conducted any commercial transaction or financial transaction with the Islamic Revolutionary Guards Corps or an agent, alias, front, instrumentality, representative, official, or affiliate of the Islamic Revolutionary Guard Corps.

''(4) FORM OF REPORTS; PUBLICATION.—The reports required under this subsection shall be—

''(A) submitted in unclassified form, but may contain a classified annex; and

''(B) published in the Federal Register.

''(e) REPORTS ON GLOBAL TRADE RELATING TO IRAN.—Not later than one year after the date of the enactment of the Iran Refined Petroleum Sanctions Act of 2009 and annually thereafter, the President shall submit to the appropriate congressional committees a report, with respect to the immediately preceding 12-month period, on the dollar value amount of trade, including in the energy sector, between Iran and each country maintaining membership in the Group of Twenty Finance Ministers and Central Bank Governors.''.

(f) CLARIFICATION AND EXPANSION OF DEFINITIONS.—Section 14 of such Act is amended—

(1) in paragraph (13)(B)—

(A) by inserting ''financial institution, insurer, underwriter, guarantor, any other business organization, including any foreign subsidiary, parent, or affiliate of such a business organization,'' after ''trust,''; and

(B) by inserting '', such as an export credit agency'' before the semicolon at the end;

(2) by redesignating paragraphs (15) and (16) as paragraphs (17) and (18), respectively; and

(3) by striking paragraph (14) and inserting the following:

''(14) KNOWINGLY.—The term 'knowingly' means—

''(A) having actual knowledge; or

''(B) having the constructive knowledge deemed to be possessed by a reasonable individual who acts under similar circumstances.

''(15) PETROLEUM RESOURCES.—The term 'petroleum resources' includes petroleum, oil or liquefied natural gas, oil or liquefied natural gas tankers, and products used to construct or maintain pipelines used to transport oil or compressed or liquefied natural gas.

''(16) REFINED PETROLEUM PRODUCTS.—The term 'refined petroleum products' means gasoline, kerosene, diesel fuel, residual fuel oil, and distillates and other goods classified in headings 2709 and 2710 of the Harmonized Tariff Schedule of the United States.''.

(g) TERMINATION OF CERTAIN PROVISIONS.—Section 8 of the Iran Sanctions Act of 1996 is amended—

(1) by striking ''The requirement under section 5(a)'' and inserting ''(a) SANCTIONS RELATING TO INVESTMENT.—The requirement under section 5(a)(1)(A)'';

(2) by striking ''with respect to Iran''; and

(3) by adding at the end the following:

''(b) REFINED PETROLEUM PRODUCTS.—The requirements under paragraphs (1)(B) and (2) of section 5(a) and section 6(b) to impose sanctions shall no longer have force or effect if the President determines and certifies to the appropriate congressional committees that Iran—

''(1) has ceased its efforts to design, develop, manufacture, or acquire a nuclear explosive device or related materials and technology; and

''(2) has ceased nuclear-related activities, including uranium enrichment, that would facilitate the efforts described in paragraph (1).''.

(h) EXTENSION OF ACT.—Section 13(b) of the Iran Sanctions Act of 1996 is amended by striking ''2011'' and inserting ''2016''.

(i) TECHNICAL AMENDMENTS.—

(1) MULTILATERAL REGIME.—Section 4 of such Act is amended—

(A) in subsection (b)(2), by striking ''(in addition to that provided in subsection (d))''; and

(B) by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(2) REFERENCE TO COMMITTEE ON FOREIGN AFFAIRS.—Section 14(2) of such Act is amended by striking ''International Relations'' and inserting ''Foreign Affairs''.

(3) CONFORMING AMENDMENTS.—(A) Section 5(c)(1) of such Act is amended by striking ''or (b)'' and inserting ''or (b)(1)''.

(B) Section 9(a) of such Act is amended by striking ''or 5(b)'' each place it appears and inserting ''or 5(b)(1)''.

SEC. 4. EFFECTIVE DATE; RULE OF CONSTRUCTION.

(a) IN GENERAL.—The amendments made by this Act shall take effect upon the expiration of the 60-day period beginning on the date of the enactment of this Act, except that—

(1) paragraphs (1) and (2) of section 5(a), section 5(b)(2), and section 6(b), of the Iran Sanctions Act of 1996, as amended by this Act, shall apply to conduct engaged in on or after October 28, 2009, notwithstanding section 5(f)(3) of the Iran Sanctions Act of 1996; and

(2) the amendments made by subsection (d) of section 3 of this Act shall apply with respect to conduct engaged in before, on, or after the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—

(1) EXISTING SANCTIONS NOT AFFECTED.—The amendments made by subsections (a) and (b) of section 3 of this Act shall not be construed to affect the requirements of section 5(a) of the Iran Sanctions Act of 1996 as in effect before the date of the enactment of this Act, and such requirements continue to apply, on and after such date of enactment, to conduct engaged in before October 28, 2009.

(2) WAIVER AUTHORITY.—The amendments made by subsection (d) of section 3 of this Act shall not be construed to affect any exercise of the authority under section 4(f) or section 9(c) of the Iran Sanctions Act of 1996 as in effect on the day before the date of the enactment of this Act.

Mr. KUCINICH. Mr. Speaker, I claim time in opposition.

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

Ms. ROS-LEHTINEN. No, I do not oppose the motion.

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

Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent to split the time evenly, the 20 minutes, in support of the bill with my colleague, the ranking member from Florida (Ms. ROS-LEHTINEN).

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida will control 10 minutes.

There was no objection.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent to extend the time of the debate on H.R. 2194 by an additional 20 minutes, with my control of 10 of those additional 20 minutes and the gentleman from Ohio's control in opposition of 10 of those 20 minutes.

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

Mr. KUCINICH. Mr. Speaker, reserving the right to object, what we are saying is that in my friend's interest of making sure that there is an opportunity for Members to speak on the various sides here, you want to make sure the time is evenly divided for the underlying bill and also for the extension of time?

Mr. BERMAN. Perhaps, more accurately, you want to make sure the time is divided, and I am prepared to say the rules require that; and the extension of time I have in mind of an additional 20 minutes—

Mr. KUCINICH. The additional time is going to be evenly distributed.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

Mr. BERMAN. Mr. Speaker, I have a further unanimous consent request: that the 10 additional minutes of time on behalf of the supporters of this legislation be split, 5 minutes for the majority and 5 minutes for the ranking member.

The SPEAKER pro tempore. Without objection, the gentlewoman from Florida will control an additional 5 minutes.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Point of parliamentary inquiry, Mr. Speaker.

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

Mr. BERMAN. Is it correct we are now in a situation where we will have a 1-hour debate on this bill in which I will have 15 minutes to yield, the ranking member will have 15 minutes to yield, and the gentleman from Ohio will have 30 minutes under his control?

The SPEAKER pro tempore. The gentleman is correct.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. 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 California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 4½ minutes.

Mr. Speaker, this bill has one overriding goal: to prevent Iran from achieving a nuclear weapons capability. The prospect of a nuclear-armed Iran is the most serious and urgent strategic challenge faced by the United States, and we must use all of the diplomatic means at our disposal—including tougher sanctions—to prevent that from becoming a reality.

A nuclear-armed Iran would spread its influence by intimidating its neighbors; it would, with near impunity, continue to support terrorists and destabilize the Middle East; it would spark an arms race in the region that would tear the Nuclear Nonproliferation Treaty to shreds; and, most frightening of all, it could, in the light of Iran's repeated threats to wipe another nation off the map, result in the actual use of nuclear weapons.

When one considers the regime's ideological nature, the fact that it sent thousands of children to their deaths in the Iran-Iraq war, and its current disregard for the human rights of its own citizens, it is clear the Iranian regime is anything but a rational actor, and we certainly cannot take the chance that a nuclear Iran would behave responsibly.

With each passing day, the situation becomes more urgent as Iran takes additional steps to develop its nuclear weapons capability. By many estimates, it would have that capability by sometime next year, and even the predictions that they could not be ready to deliver a bomb within 5 years have to be reevaluated on a shorter time frame based on recent revelations about Iran's nuclear program.

In September, Iran's efforts to construct a new secret uranium enrichment facility were exposed to the world. And what was Tehran's response when the international community rightly condemned it for that action? To declare that it will build 10 more.

The Iranian nuclear issue could have been resolved without further sanctions. President Obama has offered Iran an outstretched hand, but regrettably Iran has not unclenched its fist. The regime has refused to endorse even a confidence-building measure—agreed to by its negotiators in Geneva—that would have seen Iran ship most of its low-enriched uranium abroad to be further enriched for use in Iran's civilian nuclear medical research reactor. That deal would have bought everyone significant time, delaying Iran's nuclear-arms clock for up to a year as negotiators dealt with the heart of the issue: Iranian compliance with the U.N. Security Council requirement that it suspend its enrichment program altogether. By rejecting the deal, Iran retains its full stock of low-enriched uranium, enough to serve as the basis for one nuclear bomb, and it forces the world to respond urgently.

The bill before us today is an important part of that response. It would take advantage of Iran's considerable dependency on refined-petroleum imports. It would sanction foreign companies that sell refined petroleum to Iran, or help Iran with its own domestic refining capacity, by depriving those companies of access to the United States market. And in so doing, we are asking no more of foreign companies than we currently demand of American firms. I believe the passage and implementation of this act would have a powerful effect on the Iranian economy, and I believe it would force unpalatable budgetary choices on the Iranian regime, vastly increasing the domestic political cost of pursuing its nuclear program.

That said, I want to reiterate that my overriding goal in moving forward with this legislation is to prevent Iran from developing a nuclear weapons capability. As we move toward a likely conference with the Senate, most likely early next year, and as the administration continues its efforts to pursue stronger multilateral sanctions, I am open to making adjustments to the bill that would make it as effective as possible in meeting that objective, including providing incentives to other nations to join us in supporting a strong multilateral sanctions regime. One possibility would be to provide an exemption for companies whose host nations are already enforcing robust sanctions in their national law.

But for now, it is sufficient to say that Iran has had ample time to respond positively to President Obama's generous engagement offer. Regrettably, the response has been only one of contempt. It is time for this body to act.

I urge the support of this legislation.

DECEMBER 14, 2009.

Hon. HOWARD L. BERMAN,

Chairman, Committee on Foreign Affairs, 2170 Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the Iran Refined Petroleum Sanctions Act of 2009 (H.R. 2194, 111th Congress). As you know, the bill was referred to the Committee on Ways and Means based on the Committee's jurisdiction over international trade.

There have been some productive conversations between the staffs of our Committees, during which we have proposed some changes to H.R. 2194 that I believe help to clarify the intent and scope of the bill, particularly with respect to U.S. international trade obligations. I appreciate your commitment to

address the concerns raised by the Committee on Ways and Means as this legislation moves forward.

In order to expedite this legislation for floor consideration, the Committee on Ways and Means will forgo action on this bill and will not oppose its consideration on the suspension calendar, based on our understanding that you will work with the Committee on Ways and Means as the legislative process moves forward in the House of Representatives and in the Senate, to ensure that our concerns are addressed. This is done with the understanding between our Committees that it does not in any way prejudice the Committee on Ways and Means with respect to the appointment of conferees or the full exercise of its jurisdictional prerogative on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming our understanding with respect to H.R. 2194, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD.

Sincerely,

CHARLES B. RANGEL,
Chairman, Committee on Ways and Means.

DECEMBER 14, 2009.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, 1102 Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Committee on Ways and Means regarding the appointment of conferees or the full exercise of its jurisdictional prerogative on this bill or similar legislation in the future.

I also appreciate the strong concerns raised by the Committee on Ways and Means regarding certain provisions of the bill and the proposals your Committee has offered to help to clarify the bill's intent and scope, particularly with respect to U.S. international trade obligations. 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. As the bill moves through the legislative process, I look forward to working with you to address the trade-related concerns raised by the Committee on Ways and Means.

I look forward to working with the Committee on Ways and Means as this bill moves through the legislative process. I will ensure that our exchange of letters is included in the CONGRESSIONAL RECORD.

Sincerely,

HOWARD L. BERMAN,
Chairman.

DECEMBER 2, 2009.

Hon. HOWARD L. BERMAN,
Chairman, House Foreign Affairs Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BERMAN: I am writing in regards to H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009, which was introduced into the House on April 30, 2009.

I appreciate your efforts to work with the Committee on Oversight and Government Reform on the provisions of H.R. 2194 that fall within the Oversight Committee's jurisdiction. These provisions include issues related to the federal procurement process.

In the interest of expediting consideration of H.R. 2194, the Oversight Committee will not request a sequential referral of this bill. I would, however, request your support for the appointment of conferees from the Oversight Committee should H.R. 2194 be considered in conference with the Senate. This letter should not be construed as a waiver of the Oversight Committee's jurisdiction over subjects addressed in H.R. 2194 that fall within the jurisdiction of the Oversight Committee.

Finally, I request that you include our exchange of letters on this matter in the Foreign Affairs Committee Report on H.R. 2194 and in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters,

Sincerely,

EDOLPHUS TOWNS,
Chairman.

DECEMBER 8, 2090.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2194, the ''Iran Refined Petroleum Sanctions 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 Oversight and Government Reform. 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.

DECEMBER 4, 2009.

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

DEAR MR. CHAIRMAN: I am writing concerning H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009. This bill was referred to the Committee on Foreign Affairs, and in addition, to this Committee, among others.

There is an agreement with regard to this bill, and so in order to expedite floor consideration, I agree to forego further consideration by the Committee on Financial Services. I do so with the understanding that this decision will not prejudice this Committee with respect to its jurisdictional prerogatives on this or similar legislation. I request your support for the appointment of conferees from this Committee should this bill be the subject of a House-Senate conference.

Please place this letter in the Congressional Record when this bill is considered by the House. I look forward to the bill's consideration and hope that it will command the broadest possible support.

BARNEY FRANK,
Chairman.

DECEMBER 9, 2009.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2194, the ''Iran Refined Petroleum Sanctions 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 Financial Services. 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.

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

Mr. KUCINICH. I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman from Ohio for permitting me to speak on this.

I have great respect for the Chair and ranking member, and I deeply share their concern about a nuclear-armed Iran. It is something that I think we are all deeply opposed to, we're deeply concerned about, in terms of the potential instability in that delicate region and frankly around the world. But I have a deep concern that the approach that is being offered here is not calculated to reach that objective.

First and foremost, there is correspondence, a letter from the Deputy Secretary of State, Mr. Steinberg, talking about the problems of sanctions legislation on the Senate side, that talks about how we are entering a critical period of intense diplomacy to impose significant international pressure on Iran.

It is not at all clear, Mr. Speaker, that moving forward right now with new sanctions on companies of other countries that are involved with the petroleum activities is actually going to be helpful at a time when the administration is ramping up its international efforts to deal with Iran; I think efforts that we all support and feel need to be as productive as possible.

I think there is also a very real question about whether the focus of this legislation is going to have its intended

use, because there is nobody in the Iranian Government, in the Revolutionary Guard, in the inner circle of either the President or the Supreme Ruler that's not going to get their gasoline. The extent to which it is successful, and that remains questionable, it's going to be impactful on the people of Iran, common people who in the main are amongst the few Middle Eastern countries where they still have a favorable view of the United States. Sanctioning those people, not the leadership is not helpful.

I found it interesting on the front page of today's Washington Post, they discuss the evidence of Iran's nuclear-armed being expedited, despite sanctions. In fact, there is evidence in this article that it is the sanctions themselves that have spurred the indigenous development of that capacity in Iran. One of them said, ''thank God for the sanctions'' against us.

We need to be very careful about the application of sanctions and how they're going to be worked. I think we have a shortsighted view for dual use technology and dealing with export controls that have actually developed other countries' capacity, including those that aren't friendly to us, along with all companies from other competitor nations around the world. I think we need to be very careful here.

Last but by no means least, Mr. Speaker, I am concerned that the United States is really the only major country in the world that doesn't have a thoughtful sanctions policy—when to impose them, how to impose them, and, most important, when to take them off. I would respectfully suggest that this is not the right time. This is an instrument that's not likely to be successful, and it may complicate our efforts against Iran. While I agree with the gentleman's objective, I don't agree with the legislation and urge its rejection.

THE DEPUTY SECRETARY OF STATE,
Washington, DC, December 11, 2009.

Hon. JOHN F. KERRY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I wanted to follow up on our conversations regarding Iran, and possible sanctions legislation to be taken up by the Senate (S. 2799). We share Congress's concerns on Iran and its nuclear program, and the need to take decisive action. One of the top national security priorities for the Obama Administration is to deny Iran a nuclear weapons capability. As we discussed, we are pursuing this objective through a dual track strategy of engagement and pressure; and we are engaged in intensive multilateral efforts to develop pressure track measures now. It is in the spirit of these shared objectives that I write to express my concern about the timing and content of this legislation.

As I testified before the Congress in October, it is our hope that any legislative initiative would preserve and maximize the President's flexibility, secure greater cooperation from our partners in taking effective action, and ultimately facilitate a change in Iranian policies. However, we are entering a critical period of intense diplomacy to impose significant international pressure on Iran. This requires that we keep the focus on Iran. At this juncture, I am concerned that this legislation, in its current form, might weaken rather than strengthen international unity and support for our efforts. In addition to the timing, we have serious substantive concerns, including the lack of flexibility, inefficient monetary thresholds and penalty levels, and blacklisting that could cause unintended foreign policy consequences.

I have asked Department staff to prepare for and discuss with your staff revisions that could address these concerns on timing and content. I am hopeful that we can work together to achieve our common goals.

I hope that consideration of this bill could be delayed to the new year so as not to undermine the Administration's diplomacy at this critical juncture. I look forward to working together to achieve our common goals, and I will stay in close contact with you as our diplomatic efforts proceed.

Sincerely,

JAMES B. STEINBERG.

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

Since its secret nuclear weapons program was publicly exposed in 2002, Iran has manipulated nations, world leaders and the United Nations on its march toward possessing the capacity to unleash nuclear havoc on the world. Current and past regime leaders have made their intentions quite clear—the destruction of the State of Israel, the extinction of the Jewish people, a world without the United States.

Iran has already produced over 1,400 kilograms of low-enriched uranium, which can easily be used for a so-called ''dirty bomb.'' New Iranian documents have been revealed reportedly detailing a program to produce and test the trigger for an actual nuclear weapon.

□ 1515

Nuclear experts note that there is no other possible use for such nuclear technology, except for a nuclear bomb. And in September of this year, media quoted international inspectors saying, they ''believe that Tehran has the ability to make a nuclear bomb and is working to develop a missile system that can carry an atomic warhead.'' And U.S. officials have calculated that Iran already has stockpiled enough uranium to produce one nuclear weapon, even as it expands its enrichment capabilities.

We have arrived at the precipice, and we are staring into darkness. In February of 2006 the Congress adopted a concurrent resolution citing the Iranian regime's repeated violations of its nonproliferation obligations, underscoring that as a result of these violations Iran no longer had the right to develop any aspect of a nuclear fuel cycle and urging responsible nations to impose economic sanctions to deny Iran the resources and the ability to develop nuclear capabilities. Three years later, the idea that we could rely on the so-called international community to handle this problem has been shown to be a mirage.

But we, too, have failed to act quickly and decisively, failing to fully implement the range of U.N. sanctions that are already on the books. Now we must use the limited time remaining to impose sanctions so painful that they should threaten the Iranian regime's survival. Only when faced with the loss of power will the regime be compelled to abandon its destructive policies.

The bill we are considering today, Mr. Speaker, the Iran Refined Petroleum Sanctions Act, which I joined Chairman BERMAN in introducing, ratchets up the pressure on the regime by targeting a key vulnerability, Iran's inability to produce sufficient gasoline and other refined petroleum products.

In recent years, Iran has estimated to have imported gasoline directly or indirectly from at least 16 countries, including China, India, the Netherlands, France, and the UAE, as well as global oil companies such as TOTAL and Shell. To stop this trade, the sanctions we're considering today must also be adopted by our allies, who continue to talk about the need to act but hide behind the claim that the U.N. Security Council must act first. But the U.N. Security Council, due in part to Russian and Chinese opposition, has demonstrated that it will never impose meaningful costs on the Iranian regime.

There is no shortage of measures available. What is lacking is the will. Beyond this bill today, Mr. Speaker, the broader question is whether we will be bystanders, complicit in our own destruction. As Churchill warned, ''If you will not fight for the right when you can easily win without bloodshed, if you will not fight when your victory will be sure, you may come to the moment when you will have to fight with all the odds against you and only a precarious chance for survival.'' For our survival, and for that of our friend and ally, Israel, render your full support to this legislation.

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

Mr. KUCINICH. Mr. Speaker, I yield 5 minutes to the gentleman from Texas, RON PAUL.

Mr. PAUL. The chairman states that the main purpose of this bill is to prevent the Iranians from getting a nuclear weapon. That isn't even as powerful a statement as was made that enticed us into the Iraq war. There was the claim that they already had them. But now, this is a pretense, and yet here we are taking these drastic steps. My main reason for opposing this bill is that I think it's detrimental to our national security. There's no other reason. It doesn't serve our interests. So I am absolutely opposed to it.

In the late 1930s and the early 1940s the American people did not want to go into war, but there were some that were maneuvering us into war, and they used the argument that you needed an event. So, in June of 1941, sanctions were put against Japan, incidentally and ironically, to prohibit oil products from going into Japan. Within 6 months there was the bombing of Pearl Harbor. And there is now talk,

there's been talk in the media, and we've heard about it, we need to bomb Iran. And that's what the people hear.

The sanctions are a use of force. This is just not modest. This is very serious. And the way this is written, it literally could end up with a blockade. It could be trying to punish our friends and cut off trade, and this cannot help us in any way. We would like to help the dissidents. We'd like to encourage them to overthrow their government. But hardly should we have our CIA, with U.S. funded programs, going in there with a policy of regime change. They know these kind of things happen. We've been involved in this business in Iran since 1953. And it doesn't serve us well. It backfires on us, comes back to haunt us.

One of the goals explicitly expressed by al Qaeda and their leaders has been they would like to draw us into the Middle East because it would cost us a lot of money and it could hurt us financially. And the second reason they want us over there is to get us bogged down in an endless war. And for the last decade, that is what we've been doing. We are bogged down to the point where it's very discouraging to the American people, very frustrating, no signs of victory, no signs of peace. But we're bogged down. These were the precise goals of the al Qaeda leadership.

And also, one of the purposes of enticing us over there and being involved is to give a greater incentive to recruit those individuals who become violent against us. And this has been unbelievably successful. So we've been involved in Iraq. We've been involved in Afghanistan. We're bombing Pakistan and almost, this is like another bonus for those who want us to be attacked, is that we're over there and just fomenting this anger and hatred toward us.

That is why I believe this is not in our best interest. It actually hurts us. Once we say that we're going to do something like using force and prevent vital products from going in, it means that we've given up on diplomacy. Diplomacy's out the window. And they're not capable of attacking us. You know, this idea that they are on the verge of a bomb, you know, our CIA said they haven't been working on it since 2003. And the other thing is, if you want to give them incentive to have a bomb, just keep pestering like this, just intimidate them. Provoke it. This is provocative. They might have a greater incentive than ever.

They can't even make enough gasoline for themselves. I mean, they are not a threat. They don't have an army worth anything. They don't have a navy. They don't have an air force. They don't have intercontinental ballistic missiles. So it is not a threat to our national security. I see the threat to our national security with this type of policy which could come and backfire and hurt us.

I want to read number 5 in the bill, that particular item, because it makes my case, rather than making the case for those who want these sanctions. I think this literally makes my case. Number 5 says, on October 7, 2008, then-Senator Obama stated Iran right now imports gasoline, even though it's an oil producer, because its oil infrastructure has broken down. If we can prevent them from importing the gasoline that they need and the refined petroleum products, that starts changing their cost-benefit analysis, that starts putting the squeeze on them.

The squeeze on whom? On the people. This will unify the dissent. This will unify the Iranian people against us. If we want to encourage true dissent and overthrow that government, which is more spontaneous and honest, I would say this is doing exactly the opposite.

Mr. BERMAN. Mr. Speaker, a few unanimous consent requests. I first recognize the Chair of the Foreign Operations Subcommittee of Appropriations, the gentlelady from New York (Mrs. LOWEY) for a unanimous consent request.

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the bill's expansion of economic sanctions against Iran and businesses and the refined petroleum and energy sectors collaborating with the regime.

I strongly support this bill's expansion of economic sanctions against Iran and businesses in the refined petroleum and sectors collaborating with the regime.

Iran's relentless pursuit of nuclear weapons technology and defiance of international law are a great threat to world stability. This bill sends a critical message: the American people and this Congress have little patience for Iran's foot-dragging, and there will be serious consequences for the Iranian government if its nuclear efforts are not halted.

The 2010 foreign aid bill includes a measure to curtail Ex-Im's cooperation with foreign companies that significantly contribute to Iran's refined petroleum industry.

And passage of H.R. 2194 will lay the groundwork for even tougher sanctions on Iran.

I thank the Gentleman from California for his efforts, and I urge my colleagues to vote in support of this bill.

Mr. BERMAN. Mr. Speaker, I'm pleased to recognize a distinguished member of our committee, the gentlewoman from Nevada (Ms. BERKLEY) for a unanimous consent request.

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I rise expressing my strong support for H.R. 2194.

I thank the gentleman for yielding me the time and for his leadership on this issue. He has successfully navigated a very difficult terrain and I believe he has found the right moment to bring this bill forward.

It is now abundantly clear once again that Iran is not serious about negotiation: a new U.S. president tried to take a different approach, extending his hand in friendship to the Iranian regime. In exchange, the Iranians continued to show their clenched fist of deception and dishonesty. All the while, evidence mounts that Iran gets closer each day to developing a nuclear weapon.

A nuclear Iran poses as much of a threat to the U.S., to Europe, to the Middle East, as it does to Israel. With this bill today, we show the Iranians that we will use every tool we have to stop them from obtaining a nuclear weapon. We want to avoid war, but we must not take any option off the table.

And to my colleagues I say: if you want to avoid war, support this bill. If it succeeds, the military option won't be necessary. But without this bill, without sanctions, and without an Iranian regime that is willing to negotiate, I fear a nuclear Iran will be inevitable as will a far stronger option to eliminate its threat.

I thank the gentleman again.

Mr. BERMAN. Mr. Speaker, I yield for a further unanimous consent request to a distinguished member of the committee, the gentleman from Virginia (Mr. CONNOLLY).

(Mr. CONNOLLY of Virginia asked and was given permission to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise voicing my strong support for H.R. 2194 because America's patience is not limitless.

Mr. Speaker, it is time to strengthen the hand of the Administration and our allies to address the threat of a nuclear Iran. I proudly cosponsored the Iran Refined Petroleum Sanctions Act, which gives the President the authority to impose stiffer economic sanctions targeting Iran's oil production. The bill adds such activities as selling refined gasoline or supplying equipment for construction of oil refineries to the list of prohibited activities under the Iran Sanctions Act.

In January President Obama made a fundamental shift in our diplomatic strategy with Iran. He extended an olive branch with the hope of initiating the first serious talks with Tehran in decades, but that approach was conditioned on the Iran leaders being willing and equal partners.

Unfortunately, those leaders have consistently rejected our overtures and continue to develop Iran's nuclear capabilities in defiance of repeated demands from the United Nations that it suspend such activities. Missile tests in the spring and fall of this year, coupled with the recent revelation of a secret enrichment facility brings new urgency—as evidenced by the growing support within the international community for further action. Just this week, we learn of yet another secretive program to develop the technological components for triggering a nuclear device.

These new sanctions can and will bring additional pressure to bear on the Ahmedinejad regime. Iran's insistence on enrichment, along with its ties to groups like Hezbollah, is cause for great concern not just in the Middle East. This bill states firmly that U.S. patience is not limitless. I urge my colleagues to support it.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 2½ minutes to the chairman of the Middle East and South Asia Subcommittee, someone who's has been very focused on this issue, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of a sanctions bill

that I believe will strengthen the Obama administration's ability to conduct effective diplomacy. The world, and I mean both our allies and others, needs to know that the U.S. Congress is dead serious about sanctions should diplomacy fail to resolve the real concerns about Iran's nuclear program. For those who worry that sanctions may lead to conflict, I would suggest that the opposite is true. With Iranian proliferation on the horizon, what is feckless is reckless. If you don't want war, it seems to me that you absolutely must back the toughest possible political and economic sanctions.

It is true that sanctions alone are almost certainly not going to be sufficient to force the Iranian regime to change course. But if we are serious about stopping Iran's race for nuclear capability, we must apply the maximum possible pressure by enhancing our capacity for unilateral sanctions, as we're doing today, by implementing crippling multilateral sanctions, and by developing a strategy that applies more comprehensive pressure than just diplomatic engagement followed by sanctions.

President Obama's offer of direct engagement with Iran already helped to heal a variety of political woes, but by itself, diplomacy and political and economic sanctions may still leave too much initiative in Iranian hands. If the Iranians remain recalcitrant and sanctions are applied, no matter how crippling—and I want to make it perfectly clear that I want them to be absolutely suffocating for the regime—the initiative is still left to the ayatollahs to decide when they've had enough.

Tragically, I suspect President Obama is soon going to have to decide whether an Iranian nuclear weapon is truly unacceptable in the full meaning of that word and with the full knowledge of what that means. The best thing that we can do to help avoid that terrible moment of truth is to act affirmatively on the bill before us today.

Mr. KUCINICH. I'll reserve the time.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm so pleased to yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the esteemed minority whip and a member of the Committee on Ways and Means, a true leader who understands the clear and present danger that Iran presents for the State of Israel and for the United States.

Mr. CANTOR. I thank the gentlelady, as well as the gentleman from California, for their leadership, and bringing this bill to the floor.

Mr. Speaker, a nuclear Iran would be a game-changing development that poses irreparable damage to global security and stability. Yet, with each passing day, the regime in Tehran brazenly forges ahead to make this nightmare scenario a reality.

□ 1530

These are times of sharp partisan rancor in our Nation's Capitol. But today we have the chance to come together to take a major step forward in the interests of world peace. The time for decisive action to head off Iran's nuclear program is now. By passing the Iran Refined Petroleum Sanctions Act, we send the overdue message that the cost of doing business with Iran is too much to bear.

Mr. Speaker, this legislation leverages our economic muscle to punish any individual or company who sells or ships gasoline to Iran. It offers one of our best chances to convince Iran that it is firmly in its interest to abandon its nuclear ambitions.

As Iran takes a more belligerent approach to its nuclear program, the United States will not fall asleep at the wheel. We must lead. With the passage of this bill, we must, and will, rally the international community in order to stop the Middle East from moving irreversibly toward nuclearization.

Mr. Speaker, I urge passage of the Iran Refined Petroleum Sanctions Act.

Mr. KUCINICH. I yield 3 minutes to the gentleman from Massachusetts (Mr. LYNCH).

MR. LYNCH. I thank the gentleman. I also come here with enormous respect for Mr. BERMAN, Ms. ROS-LEHTINEN, and my friends. And if I thought for 1 minute that this bill would help the United States or protect Israel or undermine Mr. Ahmadinejad, I would support it. But I do not. I do, however, take great comfort in the chairman's and the chief sponsor's earlier comments that in the conference process he is open and willing to adjust the bill. And perhaps if these adjustments and improvements are made, I can support it at that time, but I am faced with the bill before me.

And let me just say that I think that this bill will help Ahmadinejad, that this will have the same effect as we have seen with other embargoes and other sanctions. I point to a couple of examples, one being the example in Cuba where we put in an embargo there, and ever since then, the Castro regime has been able to blame everything that has gone wrong in Cuba, including tropical storms and hurricanes, on the U.S. embargo. It has helped that regime stay in power. We see the same effect happening in Gaza. I have been there a couple of times. The fact that we've got an embargo there and a blockade has caused many in Gaza to rally around the flag—in this case, Hamas—and the blockade has helped them. That is the effect that this bill will have in Iran.

We have watched very closely. This past week, tens of thousands of students in Iran in the Green Revolution have come to oppose and call for the ousting of Ahmadinejad and his regime. What this will do, however, is this will undermine that opposition. This bill is focused on cutting off gasoline supply to the poor, to the working class, to the middle class and families, the very people who are supporting the revolutionary movement there to get rid of Ahmadinejad.

We are, in a way, I think, substituting a plan that will not work for one that could very well work. We are snatching defeat from the jaws of victory with this bill. I hope earnestly that as the sponsor of this bill has indicated, the chairman, Mr. BERMAN, that there will be important changes perhaps made during the conference process. I hope that does happen, and I hope that I am able to support this bill when it comes back from conference based on those changes.

Ms. ROS-LEHTINEN. I would like to yield 1 minute to the gentleman from New Jersey (Mr. SMITH), the ranking member on the Foreign Affairs Subcommittee on Africa and Global Health.

Mr. SMITH of New Jersey. Mr. Speaker, Chairman BERMAN's Iran Refined Petroleum Sanctions Act, cosponsored by the ranking member, Ms. ROS-LEHTINEN, significantly ratchets up strong bipartisan pressure on Iran to end their nefarious quest for nuclear weapons.

Given Ahmadinejad's extreme hostility toward Israel, his outrageous threats to annihilate Israel from the face of the Earth, and his obsessive hatred of Jews worldwide, this bill strengthens penalties on those who not only sell, lease, or provide to Iran any goods, services, technology, information, or support that would allow Iran to maintain or expand its domestic production of refined petroleum resources, it has other sanctions as well.

Mr. Speaker, any serious effort to peacefully stop Iran from acquiring weapons of mass destruction, which I believe they will use if they acquire them, requires the strongest political and economic pressure that we can muster. H.R. 2194 is a step, the right step in that direction.

Mr. KUCINICH. I yield myself 3 minutes.

This legislation obstructs the Obama administration's ongoing negotiations with Iran, amounts to economic warfare against the Iranian people, and brings us closer to an unnecessary military confrontation. I would like to delineate point by point the objections to this bill.

First of all, I agree with Mr. PAUL that the bill is opposed to our national security. I have a letter here, as Mr. BLUMENAUER submitted to the RECORD, from the Deputy Secretary of State which points out the ''serious substantive concerns of the administration, including the lack of flexibility, inefficient monetary thresholds and penalty levels, and blacklisting that could cause unintended foreign policy consequences.'' This letter is from the Obama administration, December 11, 2009. I would like it be included in the RECORD.

Second, I would like to include an article from the National Journal Online, dated November 2, 2009, in the record of debate. In this article, it points out that a gas shortage will be created in Iran, that Iran subsidizes its gasoline,

and that the regime wants to shrink the program. So here the U.S. will be creating the gas shortage, and the regime, which wanted to shrink the program, is going to blame the U.S.

Third, the Revolutionary Guard has already been able to build its coffers by being able to sell things on the black market. It's widely understood that these sanctions would put the Revolutionary Guard in a position where they can make more money selling oil on the black market.

Number 4, this proposal would throw energy politics of the region into chaos, and the broader geopolitical landscape is thrown into chaos. Russia, Venezuela, and our European allies all come into play in ways at odds with stated U.S. policies.

Number 5, it undermines our diplomacy. It isolates us from our allies. It isolates us from our trading partners.

Number 6, it undercuts international energy companies who work in a back-channel role to try to help us with our diplomacy.

Number 7, it undermines democracy in Iran. All of us have seen those pictures. They have been all over the TV and the Internet in the last few months about a growing democratic movement in Iran. This sanction will force all people to close around the Iran's leadership. It will strengthen the hard-liners and will undermine democracy.

Next, it will make the U.S. presence in Iraq, Afghanistan, and Pakistan even more dangerous for our troops.

Number 9, it's a path to military escalation, and I will be discussing that later.

THE DEPUTY SECRETARY OF STATE,
Washington, December 11, 2009.

Hon. JOHN F. KERRY,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I wanted to follow up on our conversations regarding Iran, and possible sanctions legislation to be taken up by the Senate (S. 2799). We share Congress's concerns on Iran and its nuclear program, and the need to take decisive action. One of the top national security priorities for the Obama Administration is to deny Iran a nuclear weapons capability. As we discussed, we are pursuing this objective through a dual track strategy of engagement and pressure; and we are engaged in intensive multilateral efforts to develop pressure track measures now. It is in the spirit of these shared objectives that I write to express my concern about the timing and content of this legislation.

As I testified before the Congress in October, it is our hope that any legislative initiative would preserve and maximize the President's flexibility, secure greater cooperation from our partners in taking effective action, and ultimately facilitate a change in Iranian policies. However, we are entering a critical period of intense diplomacy to impose significant international pressure on Iran. This requires that we keep the focus on Iran. At this juncture, I am concerned that this legislation, it its current form, might weaken rather than strengthen international unity and support for our efforts. In addition to the timing, we have serious substantive concerns, including the lack of flexibility, inefficient monetary thresholds and penalty levels, and blacklisting that could cause unintended foreign policy consequences.

I have asked Department staff to prepare for and discuss with your staff revisions that could address these concerns on timing and content. I am hopeful that we can work together to achieve our common goals.

I hope that consideration of this bill could be delayed to the new year so as not to undermine the Administration's diplomacy at this critical juncture. I look forward to working together to achieve our common goals, and I will stay in close contact with you as our diplomatic efforts proceed.

Sincerely,

JAMES B. STEINBERG.

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COULD A GASOLINE EMBARGO BEND TEHRAN?

(By David Gauvey Herbert)

With Iran still refusing to play ball with the West over its nuclear program, lawmakers are turning up the heat by targeting oil companies that import gasoline to Iran. But critics of new House and Senate legislation cite a laundry list of reasons why targeting gas imports won't work—and why it could even strengthen Mahmoud Ahmadinejad's government.

Despite being the fourth-largest exporter of crude oil in the world, Iran's limited refining capacity forces it to import 40 percent of its gasoline. The government also subsidizes the price of gasoline, driving demand even amidst an economic downturn and making the country's reliance on foreign imports even more costly.

A new bill—the Iran Refined Petroleum Sanctions Act, which passed the House Foreign Affairs Committee Wednesday—looks to exploit that weakness. It would bolster the Iran Sanctions Act of 1996 and prohibit companies that import gasoline to Iran from contracting with the U.S. government. Similar sanctions are part of a larger Iran bill approved unanimously Thursday by the Senate Banking Committee.

Rep. Howard Berman, D–Calif., who chairs the House Committee on Foreign Affairs and sponsored the House bill, defended the timing of the legislation against protests from some lawmakers that the president be given more time to work out a diplomatic solution. Tehran last week rejected a deal with the International Atomic Energy Agency that would have sent its uranium stockpile to Russia to enrich for medical purposes.

The bill, Berman said at a markup hearing Wednesday, ''will take the first key step to ensure that President Obama is empowered with the full range of tools he needs to address the looming nuclear threat from Iran, even as he pursues diplomacy and, if necessary, the multilateral sanctions track. Given the length of time it ordinarily takes the House and Senate to move a significant piece of legislation to the president's desk, it is important that we initiate this process today.''

But critics warn that, timing aside, the proposed sanctions could easily backfire.

For starters, it's unclear whether the legislation will be enough to dissuade Iran's main suppliers—Royal Dutch Shell, France's Total, China's state-run Zhuhai Zhenrong Corp. and Russia's Lukoil, among others—from continuing to import gasoline. Tehran has said it will cut off any company that complies with U.S. sanctions, a threat that will keep some companies in line.

And even if some gasoline exports to Iran can be curtailed, Russia and Venezuela have the excess refining capacity to plug the gap, according to Fariborz Ghadar, a trade expert at the Center for Strategic and International Studies. Hugo Chavez is already bringing Venezuela's considerable refining capabilities to bear: In September, Caracas pledged to supply Iran with 20,000 barrels of gasoline a day.

And what will happen if the sanctions are successful and oil majors stop selling Iran gasoline? The result might be the worst scenario of all, Ghadar argued. Iranians currently get 100 liters of discounted petrol every month, but at great expense to the government. The ruling government has been looking for ways to shrink the subsidy program and the U.S. sanctions would give them cover to do so. That would hurt everyday Iranians, cast Washington (once again) as a villain and perhaps rally citizens around Ahmadinejad, who is still politically weak after post-election rioting this summer.

The idea that more expensive gas will spur average Iranians to confront the government is misguided, Ghadar argued.

''The problems in June, July after the election had nothing to do about them not being able to buy an HP printer or gasoline,'' he said. ''It was about not being able to speak, basically seeing that the system is not a meritocracy.''

Rep. Ron Paul, R-Texas, echoed those worries at the hearing Wednesday.

''The theory is, if we really punish the people, take their gasoline from them, then they're going to get angry,'' he said. ''And they will. They're going to get angry at us. They're not going to get angry at the Ayatollah. What you're doing is deliberately undermining the dissidents there.''

Berman acknowledged that the legislation would likely have ''a significant impact on the Iranian economy, including quite possibly on average Iranians.''

''While that is a distasteful prospect, the urgency of dealing with the Iranian nuclear project—and the immense danger that a nuclear-armed Iran would pose to tens, if not hundreds, of millions of people who will fall within the range of its missiles—compels us to go forward with this legislation,'' he argued.

The Revolutionary Guard Corps, which was central in putting down the summer protests, might benefit from the bill as well. For one, they are well-situated to take advantage of sanctions: The corps smuggled oil during the 1990s when Iraq was under embargo, and it continues to be involved in the underground economy, said Alireza Nader, an Iran expert with the RAND Corporation. ''Any sort of sanctions regime targeting fuel imports is going to be difficult to enforce because thee is a black market, which the Revolutionary Guard is very much involved in,'' he said.

More fundamentally, Washington has struggled to sanction energy-rich Iran in part because oil-hungry countries are tough to corral into a unified front. American sanctions against Sudan have been similarly ineffective, as Chinese state-owned oil companies have been all too eager to fill the void.

Targeting gasoline imports is just one facet of the U.S. assault on the Iranian economy. The Treasury Department has spent the last three years blacklisting Iranian banks and encouraging international banks to avoid doing business with Iran. Ghadar argued that banking sanctions have worked well and should continue, since they hurt Iranian elites more than ''Average Joes.''

The Treasury Department has also put Iran's national maritime carrier in its cross hairs, citing the company's ''denial and deception'' regarding its shipments of arms. And the House last month passed the Iran Sanctions Enabling Act, which would allow state and local governments to divest from companies doing business in Iran's energy sector, by a 414-6 vote.

The Senate Banking Bill passed Thursday incorporates a number of the above options, tightening sanctions on financial transactions, targeting companies that export

gasoline to Iran and authorizing state and local governments to divest.

Sanctions on investment and technology transfer have been effective at crippling investment in Iran's natural gas industry, according to Greg Priddy, an energy analyst with the Eurasia Group. But keeping Iranian gas offline has meant that the Nabucco pipeline, which would connect Iran to Europe, may remain a pipe-dream—and make our Eastern European allies more vulnerable to Russia's whims.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, could we get a little summary of the time remaining on this complicated issue.

The SPEAKER pro tempore. The gentleman from California has 8½ minutes remaining. The gentleman from Ohio has 15 minutes remaining. The gentlewoman from Florida has 8½ minutes remaining.

Mr. BERMAN. Mr. Speaker, I'm very pleased to yield to the chairman of the Terrorism, Nonproliferation, and Trade Subcommittee on our House Foreign Affairs Committee, the gentleman from California (Mr. SHERMAN), 1 minute.

Mr. SHERMAN. As one of the six original cosponsors of this legislation, I rise in support.

The gentleman from Texas (Mr. PAUL) attacks the whole concept of the use of sanctions saying that American sanctions against Japan led to our involvement in World War II. If you think that America should have remained neutral in World War II, you should vote with the gentleman from Texas (Mr. PAUL).

Iran has been found to have violated the nonproliferation treaty and its commitments under that treaty by the United Nations Security Council with the votes of Russia and China, who also voted to impose some limited sanctions against Iran.

My district contains, I believe, more Iranian Americans than any other in the country, and let me tell you that those who support the students and the effort for democracy in their homeland support the idea of sanctions. This bill is but one step that we need to take in ratcheting the economic power on the regime in Tehran. This bill amends the Iran Sanctions Act. It is important that that act be enforced both before and after we adopt these amendments.

Mr. KUCINICH. I will yield to Mr. PAUL 3 minutes.

Mr. PAUL. I thank the gentleman.

If the gentleman from California didn't like my analogy about how we were maneuvered into war in World War II, I think it might be much more appropriate to compare it to the sanctions on Iraq. There were those in the 1990s that wanted us to go to war with Iraq. We were looking for an excuse, and we put strong sanctions, continued flying over their country and bombing. Thousands, if not hundreds of thousands, of kids died because of those sanctions, and eventually they got their war. We ended up in the war.

Anybody who believes that taking gasoline away from the common person in Iran is going to motivate them to get rid of their Ayatollah—it's the Ayatollah that carries the power—that's not going to happen. It just does exactly the opposite. So this is why I believe this is a much greater threat to our national security. It does not help us. It doesn't achieve the goals that are set out.

For instance, we now commonly say that the Iranians have no right to enrich. Well, they signed a nonproliferation treaty, and they have not ever been told that they are making a bomb. And what we are saying in this bill is that they can't enrich anymore. So in a way, you're violating international law by saying they can't enrich, period. So that is just looking for trouble.

Now, what else this bill will do:

It is going to push the support of the Iranians in another direction. It's going to push them towards India, China, and Russia, and these countries have special associations with Iran. So we are going to separate us. We will be isolated from that, and they are going to have a much closer alliance with these countries. That will not serve our interests.

It's going to serve the interest of one country mostly, and that's China. China acts only almost like capitalists. They take our dollars they have earned from us and they are spending the dollars over there. They would like to buy the oil, refine the oil, and drill the oil. But here, we assume that we have to do it through force, through sanctions, threats, intimidation, and secret maneuvers to overthrow their regime. It just doesn't work. It sounds good. It sounds easy, but it does backfire on us. You get too many unintended consequences.

And besides, our national security does not depend on what we do in the Middle East. Our national security is threatened by this. We are overstretched. We're broke. And this is part of the strategy, as I mentioned before. Our archenemies in that region want to bankrupt us. They want to stir up hatred toward us, and they want to bog us down. And they're achieving what their goals are.

Ms. ROS-LEHTINEN. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Illinois (Mr. KIRK), a member of the Committee on Appropriations and a cosponsor of this measure from early on.

Mr. KIRK. Mr. Speaker, Congressman ANDREWS and I are the two grandfathers of this bill and its policy. After 4½ years of working on this legislation, I strongly support this bill, especially its underlying policy, which is the last best hope for diplomatically ending Iran's nuclear weapons program.

In January of 2005, I wrote to the Secretary of Defense with a comprehensive analysis of Iran's economy, discovering a critical weakness. Despite its status as a leading oil exporter, Iran has so mishandled her domestic energy supply that the regime relies on foreign sources of gasoline for 40 percent of its needs.

In 2005 and again in 2006, Congressman ANDREWS and I introduced the congressional resolutions calling for a multilateral restriction of gasoline deliveries to Iran as the most effective sanction to bring their leaders into compliance with their commitments under the Nuclear Non-Proliferation Treaty.

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In 2007, we introduced the Iran Sanctions Enhancement Act to extend current sanctions to the provision of gasoline to Iran. This year, Congressman BRAD SHERMAN and I re-introduced the Iran Diplomatic Enhancement Act. This bill today is modeled after our bipartisan legislation.

A restriction of gasoline deliveries to Iran administered through multilateral sanctions and enforced by the world's most powerful navies will pit our greatest strength against Iran's greatest weakness, all without a shot being fired. For the bill to succeed, the Iranians must believe also that it will be enforced, otherwise we will go down a failed policy of diplomacy in the absence of effective sanctions. My hope is that the Senate quickly takes up action on this bill, and then the administration provides needed enforcement.

I want to truly thank the chairman of the Foreign Affairs Committee, Chairman BERMAN; our ranking member, ILEANA ROS-LEHTINEN; Congressman ANDREWS and Congressman BRAD SHERMAN for all working with me. This has been 5 years of my life working on this legislation. This is bipartisan legislation which offers the last best diplomatic hope to resolve this problem.

Mr. KUCINICH. Mr. Speaker, I yield myself 3 minutes.

I would like to point out that the organization of Iranians in the United States known as the National Iranian American Council have issued a statement in a staff report dated Monday, the 14th of December, 2009 that this sanctions act ''will only contribute to the Iranian people's suffering by seeking to restrict Iran's supply of heating oil and gasoline. Prominent members of Iran's opposition movement, such as Mir Hossein Mousavi and Mehdi Karoubi, as well as human rights defenders like Shirin Ebadi and Akbar Ganji, have all spoken out strongly against such sanctions that punish innocent Iranians.''

I enter this report from the National Iranian Council into the RECORD.

IRPSA HURTS IRANIAN PEOPLE, UNDERMINES INTERNATIONAL UNITY ON IRAN

NIAC released the following statement today in response to yesterday's news that the Iran Refined Petroleum Sanctions Act (H.R. 2194) will be brought up for a floor vote on the suspension calendar within the next two weeks.

The National Iranian American Council is deeply concerned that the House of Representatives' plan to bring H.R. 2194, the Iranian Refined Petroleum Sanctions Act, IRPSA, to a vote the week of December 14,

2009, is a move in the direction of punishing the Iranian people instead of the Iranian government.

NIAC supports the Obama Administration's ongoing engagement efforts and, though the Iranian government's response has thus far been frustrating, the U.S. must remain committed to working in concert with its international partners. Considering unilateral sanctions at this time threatens to preempt and undermine the President's multilateral efforts.

A successful strategy for dealing with Iran must have diplomatic engagement as its basis. Sanctions can play a constructive role within that process, but in order to be effective they must target the Iranian government and the individuals responsible for the government's reprehensible behavior, with a special emphasis on those guilty of human rights violations.

As Congress moves forward, NIAC encourages Congressional action to meet the following standards:

Do not harm the Iranian people—No one has suffered under the repressive rule of the Iranian Government more than the Iranian people. Unilateral sanctions such as those included in IRPSA will hurt the people of Iran immensely and do little to target the actions such as the Iranian Revolutionary Guard who have consolidated power under the shadow of outside threats and profited under the sanctions economy.

As the Iranian people continue to stand up to their government, prominent members of Iran's opposition movement, such as Mir Hossein Mousavi and Mehdi Karoubi, along with human rights defenders like Shirin Ebadi and Akbar Ganji, have all spoken out strongly against broad, untargeted sanctions such as those contained in IRPSA.

Do not undermine the President—The Obama Administration has invested in a strategy of engagement with Iran because it is the best option to change the Iranian Government's behavior. While this process has been predictably difficult, Congress must not rush to pass legislation that will undermine multilateral efforts and tie the President's hands. The President has been consistent in stating that he will evaluate progress on the engagement process once the year has ended. This commitment was reiterated on December 3 by White House spokesman Robert Gibbs, who stated that the Administration's deadline for Iran is the end of the year. If the House passes IRPSA now, they send the world a signal that the U.S. Congress does not support the President's plan and is taking steps to preempt it.

Do not undermine the unity among U.S. partners—On November 26, the IAEA voted overwhelmingly to approve a resolution censuring Iran. Significantly, all five veto-wielding members of the Security Council voted in favor of the measure, which opens up the potential for another round of Security Council sanctions. The significant progress is uniting the Security Council is attributable to President Obama's investment in diplomacy. If Congress moves forward with sanctions that target our allies, that unity will collapse. Trying to coerce the support of the rest of the world with threats and penalties will not isolate Iran; in fact, it may only isolate the United States.

I have here an analysis that has been done by Americans for Peace Now, which is a strong group in support of Israel. At the same time, they did an analysis and summary of concerns about H.R. 2194. One of the points that they make is that ''the focus on crippling refined petroleum sanctions leads to the very problematic conclusion that the U.S. is seeking to inflict widespread suffering on the Iranian people in order to force them to put pressure on their government. It is an approach few believe will achieve the desired goal and many believe could well backfire to the benefit of the regime and sow anger at the U.S., not the Iranian Government.''

I will submit this analysis for the RECORD.

PROPOSED AMENDMENTS TO H.R. 2194—THE IRAN REFINED PETROLEUM SANCTIONS ACT—DECEMBER 2009

For further information, go to www.peacenow.org.

SUMMARY OF CONCERNS ABOUT H.R. 2194

Section(s)	Problem	Suggested remedy
Section(s) 1: 2(b), 2(c), 3(a), 3(c).	The focus on ''crippling'' refined petroleum sanctions leads to the very problematic conclusion that the U.S. is seeking to inflict widespread suffering on the Iranian people in order to force them to put pressure on their government. It is an approach that few believe will achieve the desired goal and that many believe could well backfire, to the benefit of the regime and sow anger at the U.S., not the Iranian government.	The focus of the bill should be enhanced sanctions authority in general, not the refined petroleum sector in particular.
Section 2(a)	Obama statements quoted in the bill were made prior to the Iranian elections and prior to the launch of the current negotiating effort. As such, they have clearly been overtaken by events. They should be updated to correctly represent the Administration's positions.	Quotes in the bill should be updated to correctly represent the Administration's positions.
Sections 3(a), 3(b), and 3(d).	At the outset of H.R. 2194 is the finding that ''international diplomatic efforts to address Iran's illicit nuclear efforts, unconventional and ballistic missile development programs, and support for international terrorism aremore likely to be effective if the President is empowered with the explicit authority to impose additional sanctions on the Government of Iran.''. As written, these sections do not empower the President with the authority to impose additional sanctions—they dis-empower him by removing his authority regarding the imposition of sanctions, in effect limiting his authority.	Textual changes should be incorporated to bring the legislative impact of the bill into conformity with the stated goal of the legislation's i.e., giving the President additional authority to act.
Section 3(c)	The restrictions laid out in this section have potentially far-reaching implications for U.S. vital national security interests. It is unreasonable and possibly unconstitutional to place such restrictions on the President's relations with other countries without providing a clear national security waiver.	A clear national security waiver should be added to this section.
Section 3(g)	This certification requirement is so categorical that it would be difficult if not impossible for a President to make, under any circumstances. It could also conflict with a potential future agreement with Iran over its nuclear program.	Changes should be made to make the certification requirement reasonable and to take into account the possibility of an international agreement with Iran on its nuclear program.
Section 3(h)	The Iran Sanctions Act (ISA) is major legislation in its own right. As such, it should be considered and debated openly before a decision is made to extend it for 5 years. Moreover, the ISA does not expire until 2011—there is no justification for rushing through its extension as part of this bill.	This section should be deleted and ISA dealt with separately at an appropriate time.
New Section 3(x)	At this juncture, the absence of positive measures in what will be the single most important piece of Iran legislation in years is striking.	This new section offers constructive support for the people of Iran.

In the legislation that we are presented with, it speaks to the purpose of H.R. 2194 as advancing along feelings of friendship for the Iranian people. We are telling the Iranian people, we have feelings of friendship for you, we like you so much, but we're going to cut off your home heating oil. So we are asking the people, when they're freezing, to remember these warm feelings of friendship. I think people will find that the expression of friendship isn't to be believed, and that, in fact, what's happening here is an effort to punish the people of Iran for the policies of their government, which the Obama administration is trying to still find a way to deal with diplomatically.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased now to yield 1 minute to one of the great supporters of this legislation, the Speaker of the House, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I rise in strong support of the Refined Petroleum Sanctions Act. I would like to acknowledge the great leadership of our chairman, Chairman BERMAN, and the ranking member, Congresswoman ROS-LEHTINEN, for their efforts and leadership to bring this legislation to the floor.

All Members of Congress, regardless of party, agree a nuclear Iran is simply unacceptable; it is a threat to the region, to the United States, and to the world. The American people have great hopes for our friendship with the people of Iran. We look forward to a day when Iran is a much more productive member of the community of nations. Until that day, though, we must ensure that Iran is prevented from obtaining nuclear weapons that would threaten the security of the world.

Iran must take the necessary steps to demonstrate its willingness to live as a peaceful partner in the international community. And we must use all of the tools at our disposal, from diplomacy to sanctions, to stop Iran's march toward nuclear capability.

Today, with this legislation, we give the President a new option, a new tool, the power to impose sanctions against companies that supply Iran with or support its domestic production of gasoline and other refined petroleum products. By targeting Iran's ongoing dependence on largely imported refined petroleum, we reduce the chance that Iran will acquire the capacity to produce nuclear weapons.

A pillar, Mr. Speaker, of our national security is diplomacy; and in the case

of Iran, we must use it. We must exhaust every diplomatic remedy. I commend President Obama for standing with other U.N. Security Council leaders earlier this year to condemn Iran and to work toward an agreeable diplomatic solution to end Iran's proliferation of weapons of mass destruction.

However, as we have seen, Iran has refused to accept a reasonable offer that was put on the table a couple of months ago. Instead, it has reiterated its resolve to continue its uranium enrichment program, the cornerstone of its nuclear program. The international community must, therefore, consider stronger options. We have that opportunity today to give the President the option with a waiver to use in the best possible way.

Now, I have heard mention of the State of Israel in some of the debate here today, and Israel certainly has proximity to Iran. Iran is increasing its capability both to develop a weapon of mass destruction and the delivery system to deliver that bad news. But this isn't about Israel. Israel, again, is close, and this development of a weapon of mass destruction is a threat to the region. But the development of a weapon of mass destruction anyplace in the world is a threat to the entire world, and it is not in the national security interest of the United States. So while Israel may bear the brunt or be the closest target—or target of words, if, hopefully, not anything else—they have carried this fight, but it's not just their fight. The fight is all of ours.

I mentioned diplomacy as a pillar of our national security. Another pillar of our foreign policy and of our national security is stopping the proliferation of weapons of mass destruction. Imagine what the reaction would be if Iran had a nuclear weapon, what that would evoke in the Arab world in terms of their interest in having weapons of mass destruction. It simply cannot happen. With this legislation today, we strengthen the President's hand to use or to withhold this particular sanction, but to have the capability to use diplomacy in a stronger way.

I urge all of my colleagues to support the Iran Refined Petroleum Sanctions Act.

Mr. KUCINICH. I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding.

I talked to somebody today that will be voting for these, but admitted that they won't work and it is mere symbolism. So already they don't think these will do much good, even those who will vote for it. They're impossible to enforce, is one reason, and it will create a black market. And these particular sanctions are most difficult to enforce just because of the nature of the way it's written.

One must understand a little bit about the pressures put on this country to act in a defensive way. They happen to be surrounded by a lot of nuclear bombs. And they don't have a history, the Iranians. As bad as they are for their leadership and how bad their regime is, they're not expansionists territorially. I mean, how many years has it been since they invaded another country for the purpose of taking over another country? It is just not in recent history at all. But the countries around them, India—India has nuclear weapons, China has nuclear weapons, Pakistan, Israel, the United States. I mean, they're all around them, so I'm sure they feel like a cornered rat.

What I see here is propaganda, propaganda to build fear into people, to prepare the people for what is likely to come, just as we did in the 1990s, fear that there were weapons of mass destruction, but this one is, well, someday they might get a weapon of mass destruction. Unfortunately, I am just really concerned that this is going to lead to hostilities because this is the initiation. The fear is building up. Too often in this country we talk of peace at the same time that we pursue war. We pursue war, and we use these efforts to push our policies on others.

And quite frankly, we don't have any more money to pursue this policy, whether it's used by the militarism or even to try to buy friends by giving them a lot of money. It just doesn't work.

I urge a ''no'' vote on this resolution in the interest of United States security.

Mr. Speaker, I would like to make a few more points as to why I oppose this new round of sanctions on Iran, which is another significant step toward a U.S. war on that country. I find it shocking that legislation this serious and consequential is brought up in such a cavalier manner. Suspending the normal rules of the House to pass legislation is a process generally reserved for ''non-controversial'' business such as the naming of post offices. Are we to believe that this House takes matters of war and peace as lightly as naming post offices?

This legislation seeks to bar from doing business in the United States any foreign entity that sells refined petroleum to Iran or otherwise enhances Iran's ability to import refined petroleum such as financing, brokering, underwriting, or providing ships for such. Such sanctions also apply to any entity that provides goods or services that enhance Iran's ability to maintain or expand its domestic production of refined petroleum. This casts the sanctions net worldwide, with enormous international economic implications.

Recently, the Financial Times reported that, ''[i]n recent months, Chinese companies have greatly expanded their presence in Iran's oil sector. In the coming months, Sinopec, the state-owned Chinese oil company, is scheduled to complete the expansion of the Tabriz and Shazand refineries—adding 3.3 million gallons of gasoline per day.''

Are we to conclude, with this in mind, that China or its major state-owned corporations will be forbidden by this legislation from doing business with the United States? What of our other trading partners who currently do business in Iran's petroleum sector or insure those who do so? Has anyone seen an estimate of how this sanctions act will affect the US economy if it is actually enforced?

As we have learned with U.S. sanctions on Iraq, and indeed with U.S. sanctions on Cuba and elsewhere, it is citizens rather than governments who suffer most. The purpose of these sanctions is to change the regime in Iran, but past practice has demonstrated time and again that sanctions only strengthen regimes they target and marginalize any opposition. As would be the case were we in the U.S. targeted for regime change by a foreign government, people in Iran will tend to put aside political and other differences to oppose that threatening external force. Thus this legislation will likely serve to strengthen the popularity of the current Iranian government. Any opposition continuing to function in Iran would be seen as operating in concert with the foreign entity seeking to overthrow the regime.

This legislation seeks to bring Iran in line with international demands regarding its nuclear materials enrichment programs, but what is ironic is that Section 2 of H.R. 2194 itself violates the Nuclear Non Proliferation Treaty (NPT) to which both the United States and Iran are signatories. This section states that ''[i]t shall be the policy of the United States . . . to prevent Iran from achieving the capability to make nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program.'' Article V of the NPT states clearly that, ''[n]othing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.'' As Iran has never been found in violation of the NPT—has never been found to have diverted nuclear materials for non-peaceful purposes—this legislation seeking to deny Iran the right to enrichment even for peaceful purposes itself violates the NPT.

Mr. Speaker, I am concerned that many of my colleagues opposing war on Iran will vote in favor of this legislation, seeing it as a step short of war to bring Iran into line with U.S. demands. I would remind them that sanctions and the blockades that are required to enforce them are themselves acts of war according to international law. I urge my colleagues to reject this saber-rattling but ultimately counterproductive legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend from Indiana (Mr. BURTON), the ranking member on the Foreign Affairs Subcommittee on the Middle East and South Asia. He deals with this issue every day.

Mr. BURTON of Indiana. I thank the gentlelady for yielding, and I thank the chairman for bringing this to the floor. God bless you, my son.

Let me just say that I have heard the arguments from the opponents of this legislation. And my question to them would be, well, what is the alternative? You mentioned one, two, three, four, five, six—seven reasons why we shouldn't do this, but Iran is developing a nuclear weapons system.

If you look at The Times and the BBC, they say very clearly that confidential intelligence documents obtained by The Times showed that Iran is working on testing a key final component of a nuclear bomb, and it is the

mechanism that explodes the nuclear bomb. Now, we've been waiting and waiting and waiting for years for them to stop the development of a nuclear weapon, and they keep giving us all these reasons why they shouldn't be stopped and why they're not doing it and all kinds of chicanery; but the fact of the matter is they continue on the path toward a nuclear weapon.

Now, we get a large percentage of our energy from the Middle East. Israel is not going to sit by and let their country be threatened with annihilation. They're not going to let Iran develop a nuclear weapon, especially since Ahmadinejad said he wants to wipe them off the face of the Earth. So if they develop a nuclear weapon and a detonating device, like they're working on right now, Israel is going to do something about it. Now, do we want a major conflagration in the Middle East that would threaten the energy that we get in this country? We get about 40 percent of our energy from the Middle East. If you mess up the Persian Gulf, if you have that whole area explode, you're going to see all kinds of problems in getting oil from the Middle East. And we're not energy independent. Everybody in this country is going to suffer because it's going to hurt our economy from top to bottom.

So I wish my colleagues would stop and think, do we let them just go on and not do anything about it, or do we start ratcheting up the pressure on them, put a little pressure on them, make them stop developing this nuclear weapon system? Because if they don't, the alternative is unthinkable.

Mr. KUCINICH. Could I ask how much time remains.

The SPEAKER pro tempore. The gentleman from Ohio has 7 minutes.

Mr. KUCINICH. I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

The gentleman from Indiana has mentioned, what do the opponents of this resolution have in mind. If not these sanctions, then what, what do we do? I think you are hard pressed to find anyone who will rationally say that this measure will have any real effect. This is a statement resolution more than anything.

And to the extent that it does bite, right now we don't export any refined petroleum products to Iran, but some of our allies do, those allies that we need for real sanctions that may or will bite. If we hope to get them on board, the last thing we want to do is get out in front and take measures where there will be punitive action on our allies that we need for sanctions that actually might have an impact.

So the notion that we have to do this or nothing is simply false. We need to address this situation there, but we need to do it in a way where we don't alienate the people of Iran who, when you're on the streets of Iran, people are not virulently anti-American, gratefully. We need to keep it that way. We shouldn't have sanctions that target the people, hoping that they will somehow revolt and then get mad at their leadership rather than the U.S.

I think that when you look at the history of sanctions, you're hard pressed to find examples where that kind of action works, where you try to entice some kind of rebellion among the people that you want to help and that somehow they will blame their government rather than those who are imposing the sanctions.

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Again, multilateral sanctions can work. Multilateral action can work, and it needs to work. But in order to do that, you need to give the administration the flexibility, through a combination of diplomacy and other measures, to work with our allies, to bring measures that will work.

I am glad the gentleman has stood up to oppose this. I want people to know that we aren't all in agreement here, that there are other measures that can be taken.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to the gentlewoman from Maryland (Ms. EDWARDS) on behalf of the legislation.

Ms. EDWARDS of Maryland. I would like to thank Chairman BERMAN for yielding.

I rise today disappointed that I am here to support the Iran Refined Petroleum Sanctions Act. I am disappointed because it's the extraordinary lack of cooperation and duplicity on the part of the leadership in Iran that brings us to that point.

Though I share many of the concerns expressed by the opposition, like many, I was hopeful at the beginning of the year with the new President and administration that we would approach Iran differently and that the leaders in Iran would respond likewise. Sadly, the leadership of Iran, particularly following their flawed elections, has been anything but forthcoming and cooperative. They have thwarted the international community. They rebuffed a viable plan for transfer of low-grade uranium and materials for a true civilian nuclear capacity.

They have led the world community along with the belief that they were negotiating fairly and with integrity. Instead, they are pursuing enrichment. This posture on the part of the Iranian government is both unfortunate and misguided, attempting to test President Obama's resolve and commitment to transparency, deterrence and accountability.

It's my hope that our actions today will enable additional leverage for President Obama and his team within the governing multilateral institutions and negotiating countries. I think the Iranian leadership has to understand that the United States is both serious about engagement and accountability.

Mr. KUCINICH. I yield myself 2 minutes.

Though this bill claims to express international diplomatic efforts to halt Iran's uranium enrichment program, it actually undermines those efforts. Passing legislation effectively forces our President's hand in one direction, diminishing the power of the President and his diplomatic team by significantly limiting the tools the administration can utilize.

Furthermore, it projects a negative image of the United States in a region at a time when we need broad international support to succeed in our negotiations.

Former International Atomic Energy Agency Director General Mohamed ElBaradei has repeatedly stated that sanctions against Iran will be ineffective in forcing Iran to halt its uranium enrichment program. In a speech to the Board of Governors in September of this year, Mohamed ElBaradei recognized the important developments with respect to Iran's compliance with IAEA inspections, stating that, We are not in a state of panic because we have not seen diversion of nuclear material. We have not seen components of nuclear weapons.

In addition, he states, We went through this during the time of Iraq, when the Agency went exactly through that hype, fabrication, and it took a war based on fiction and not fact. It took a war and thousands of people dying for the Agency to become strong and more credible because we were sticking to the facts.

Subsection A(1) of section 2 of this bill says, The illicit nuclear activities of the government of Iran, combined with its development of unconventional weapons and ballistic missiles in support of international terrorism, represents a serious threat to the security of the United States and allies in Europe, the Middle East, and around the world.

This language makes dangerous accusations that have been repudiated by the IAEA and paves the way for the same mistakes we have made in Iraq. We cannot afford to make the same mistakes at the cost of the innocent lives of the people in Iran.

Ms. ROS-LEHTINEN. I am very pleased to yield 1 minute to the gentleman from Texas (Mr. HENSARLING), a member of the Budget Committee and Committee on Financial Services, a cosponsor of this bill, and a former chairman of the Republican Study Committee, and my friend.

Mr. HENSARLING. I thank the gentlewoman for yielding.

Given the state of Iran's nuclear ambitions and its poor record at transparency, it continues to be clear that the United States must lead the world in pressuring Iran to give up these ambitions. There is no option.

Iran's energy sector is the backbone of its economy and provides the majority of its government's revenue. Iran's energy infrastructure is deteriorating badly. It is in need of modernization. Without this modernization, its energy

sector very well may deteriorate and, along with it, consequently, its economy and possibly even its regime.

The Iran Refined Petroleum Sanctions Act gives the President an important tool to help persuade the Iranian regime to peacefully give up its nuclear ambitions. A nuclear-armed Iran is unacceptable. It could provide rogue nations and terrorists with nuclear technology. It constitutes the looming threat to the national security of the United States.

Iran's behavior not only jeopardizes the stability of the region but threatens the very existence of many of our allies in the Mideast, particularly the state of Israel.

I enthusiastically encourage all of my colleagues to support the Iran Refined Petroleum Sanctions Act.

Mr. KUCINICH. May I ask how much time is remaining for all sides?

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The gentleman from Ohio has 4 minutes, the gentleman from California has 5½ minutes, and the gentlewoman from Florida has 3½ minutes.

Mr. KUCINICH. I yield myself 2 minutes.

One of our colleagues talked about, well, what are our alternatives here, as though the only alternative we have is to impose sanctions. We know from a report 2 days ago in The New York Times that Iran's foreign minister has said that his country was willing to exchange most of the uranium for processed nuclear fuel from abroad, as the United Nations has proposed. The article goes along to say, but only according to the timetable Western powers appear to have rejected.

Well, we need to get back into those negotiations. I have some points here I want to share with Members of Congress. Here is what we can do.

The debate in Iran is focused on two shipments of 400 kilograms each of low-enriched uranium. What is being proposed by Tehran is a phased delivery to the IAEA control of Iran's low-enriched uranium within 3 to 5 months of each other, for a total of 800 kilograms.

Officially, we know Iran's foreign minister said they would put 400 kilograms of low-enriched uranium in Kish Island—that's in the Persian Gulf—under IAEA custody. The Iranians want objective guarantees, the guaranteed delivery of highly enriched uranium from Russia and France.

Once it's delivered to Iran for medical purposes, they would then send another 400 kilograms of low-enriched uranium to the IAEA control at Kish Island. The simultaneous shipment of high-enriched uranium to Iran and low-enriched for medical purposes, and low-enriched uranium from Iran to Kish Island, are confidence-building measures which can form the basis for further cooperation.

Second, we need to pledge a guaranteed delivery by the U.S. and other P–5-plus-1 participants.

Third, the U.S. offer of assistance with modernizing the instruments for the Tehran reactor.

Fourth, Iran's willingness to continue with its nuclear transparency and full-scope IAEA safeguards, including short-notice inspections.

Five, Iran's willingness to participate in Geneva II.

Six, Iran's willingness to participate in multilateral expert meetings on nuclear, non-nuclear, that is, regional issues, and consideration of a broad range of confidence-building steps.

We don't need these sanctions. We need diplomacy.

Ms. ROS-LEHTINEN. Madam Speaker, I am so happy to yield 2½ minutes to the gentleman from California (Mr. ROYCE) ranking member on the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Madam Speaker, time is not on our side. Today's Washington Post reports that Iran has learned how to make virtually every bolt and switch in a nuclear weapon. It is mastering the technology to enrich uranium which would fuel that weapon. A secret nuclear facility located on an Iranian military base was recently revealed. For years, Iran has been slapping away all of our diplomatic overtures. ''Our outreach has produced very little.'' Secretary Clinton's words, not mine.

Today, the world's top terrorist state has its tentacles throughout the region. Its tentacles are Yemen, Iraq, Lebanon, Gaza, Afghanistan, Syria, Sudan. Its agents and proxies are practically everywhere in its aspiration for regional dominance, not to mention our own backyard. Tomorrow's nuclear Iran would have a compounding effect with severe consequences for regional security and for U.S. security. The time for action is long past. This bill would help address this threat, targeting the regime's Achilles' heel.

But we need a broad-based Iran policy that focuses not just on Iran's nuclear program, but one that aims to protect the U.S. and our allies from the Iranian missile threat and speaks out against its human rights abuses and bolsters its democracy supporters.

Disturbingly, this administration has backed away from missile defense in Europe and the democratic movement inside Iran. The administration must realize that promoting democracy in Iran and improving our national security go hand-in-hand.

I would just mention that sanctions helped bring down apartheid in South Africa and ended the South African program to develop nuclear weapons.

As ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade, I strongly support the passage of this legislation, of which I am an original cosponsor.

Ms. ROS-LEHTINEN. I am proud to yield 1 minute to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS), the vice chair of the Republican Conference, a member of the Armed Services Committee, Education and Labor Committee, and Natural Resources Committee, and the mom of Cole.

Mrs. MCMORRIS RODGERS. Thank you, Ranking Member ILEANA ROS-LEHTINEN.

Madam Speaker, I rise in strong support of H.R. 2194 and urge my colleagues to pass this important security bill.

As I have mentioned before, in August my husband and I visited Israel. The people of Israel want nothing more than to live in peace with their neighbors, many of whom have said repeatedly that they want Israel wiped off of the map.

But the Israelis are realistic about peace. They know it comes from strength, from clear military superiority, from letting your enemies know that they cannot defeat you. That is a hard, realistic peace. It's clear Iran wants to break that peace, to destabilize the whole region and make Israel live in fear.

After years of Iranian delays and deception, we must now back our words with action. Iran must be held accountable.

As Iran takes one step after another towards nuclear weapons, it edges towards war. A vote in favor of this bill is a vote in favor of continuing a hard peace in the Middle East and showing the rest of the world that a nuclear Iran is not an option.

When I left Israel, I pledged to do all I could to support their work to maintain and expand a difficult peace. I urge my colleagues to join me in this quest. A strong first step is passing H.R. 2194.

Mr. BERMAN. I am pleased to yield 1 minute to the gentleman from New York, the chairman of the Western Hemisphere Subcommittee, Mr. ENGEL.

Mr. ENGEL. I thank the gentleman.

Madam Speaker, only a few short months ago the world learned of the secret Iranian nuclear enrichment facility near the city of Qom. If there was any doubt that Iran was trying to build nuclear weapons, this revelation dispelled any shred of that doubt.

The facility, kept secret from the International Atomic Energy Agency, was built deep in a mountain on a protected military base. This is how a country conceals a nuclear weapons program and defies U.N. Security Council resolutions, not how it develops peaceful energy technologies.

Although Iran is a leading producer of crude oil, it has limited refining capability. This bill will increase leverage against Iran by penalizing companies that export refined petroleum products to Iran or finance Iran's domestic refining capabilities. It's my hope that the administration will apply these additional sanctions to make absolutely clear to the Ahmadinejad regime that the world will not accept its nuclear ambition.

The U.S. and our allies in the U.N. Security Council have recognized that a nuclear-armed Iran would be a danger to the Middle East, to our ally, Israel, and to the nuclear nonproliferation regime. A nuclear-armed Iran is simply

unacceptable, and we must support this sanction. To my colleagues who say that sanctions don't work, it only hurts the local population, the same argument, discredited argument, was made against South African sanctions. That worked. These sanctions will, too.

Support the legislation.

□ 1615

Mr. BERMAN. Madam Speaker, I yield for the purpose of making a unanimous consent request to the gentleman who first introduced legislation on this subject, who I worked closely with, the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Speaker, I thank the ranking member and the chairman for their guidance.

I rise in strong support of the legislation.

Mr. BERMAN. Madam Speaker, I now yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, I rise today in reluctant support of the Iran Refined Petroleum Sanctions Act, IRPSA.

President Obama has extended a hand to the Iranian government, offering a mutually beneficial deal that would severely limit Iran's ability to develop a nuclear weapon. This confidence building measure is intended to give us the space and time to reach a more comprehensive agreement that would seek to integrate Iran back into the international community as a responsible actor and to impose strong, verifiable safeguards to ensure that Iran cannot build a nuclear weapon. After agreeing in principle to an initial agreement to send Iran's enriched uranium to Russia, Iran has since backed away from it and even refused to provide the International Atomic Energy Agency a formal response to the proposal.

Because of the seriousness of the challenges we face, I reluctantly support the IRSPA. It sends the clear message that Iran can either work cooperatively and beneficially with the international community or it can choose further international isolation.

However, for sanctions to succeed, they must impose a cost on Iran's ruling regime. I am concerned that it is the Iranian people—rather than the Iranian regime—that will suffer the most under IRPSA. If we are able to limit Iran's ability to import refined petroleum, the Iranian government will simply deflect this cost onto the Iranian people, by eliminating petroleum subsidies and blaming the United States for the hardship such actions will cause the general public.

A democratic uprising against the Iranian regime is currently under way. I believe we need to stand with the Iranian people as they fight for their freedoms. The Iranian government by contrast has brutally oppressed peaceful demonstrators. For that reason, Congress and the Obama administration should work to craft sanctions that affect the leaders of Iran and the IRGC. Only sanctions that hurt these decision makers will influence Iran's decision-making process.

While we must make the Iranian regime aware of our displeasure with their rejection of our positive advances, we must also provide a helping hand to Iranian citizens. That is why it is important for Congress, in addition to these punitive sanctions, to also provide assistance to the democracy movement in Iran by aiding their access to the internet, in order to provide the Iranian people unfettered access to information, free of government censorship. Congress should also take steps to increase the ability of non-governmental organizations in the U.S. to work with their counterparts in Iran, so that the Iranian people can benefit from better health services, educational opportunities, the promotion of equal rights, and the facilitation of people to people exchanges.

The Iranian people are among the most pro-American people in the Middle East. With passage of today's sanctions legislation, it is all the more important to reach out to, and around the Iranian government, to this pro-American society. This is the time to redouble our efforts to support the Iranian people and their courageous fight for democracy by increasing their access to information and communication both in country and internationally.

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

Madam Speaker, sanctions, when fully enforced, weaken the oppressors and express support for the opposition. They send a clear message to the dissidents and those who are hungry for freedom that we stand with them. The refined petroleum sanctions bill will force the regime to use its resources to take care of the Iranian people, something that they have not done, instead of using its funding to develop nuclear weapons and the missiles to deliver them.

Support the Iranian people. Support peace and security. Support this bill.

The SPEAKER pro tempore. The gentlelady's time has expired.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1 minute to the majority leader of the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I want to thank the chairman, and I want to thank Congresswoman ROS-LEHTINEN for her leadership as well.

Madam Speaker, every Member of this Chamber understands the deep danger inherent in a nuclear Iran. That danger includes a new nuclear arms race as Iran's regional rivals scramble to build competing arsenals, plunging the Middle East into an ever-greater instability and the world into a new era of proliferation.

The danger includes as well a ''nuclear umbrella'' for groups like Hamas and Hezbollah, terrorist organizations who may take any advantage of their state sponsor's protection to stage more brazen and deadly attacks on Israel, certainly, but on all the rest of us as well.

And the danger includes on a more basic level a new era of fear for all those in range of Iran's missiles, fear that could equal or surpass what we ourselves experienced during the worst days of the Cold War. And all of those consequences, Madam Speaker, will be felt even if Iran's missiles remain on the launch pad or if its nuclear weapons remain buried. Could we imagine those weapons being used? We would be foolish not to as long as those weapons are in the hands of a regime whose President denies the Holocaust, stokes hatred, and openly threatens its neighbors and the United States of America.

In the months since last summer's election, we have seen the character of the Iranian regime more clearly than ever. We have seen it in the dissent silenced, in opposition leaders threatened and jailed, in peaceful protesters beaten and shot for the crime of demanding that their votes be counted. We have seen a regime founded on violence and on violent disregard for the opinion of its people and the opinion of the world community.

Even so, our administration has, and I think correctly, in my view, pursued a policy of engagement with Tehran. That engagement reversed years of diplomatic silence that did little to slow Iran's growing nuclear program. It showed the world our patience and our commitment to addressing the common threat through diplomacy. And it gauged Tehran's honest willingness to resolve the crisis at the negotiating table. America's policy of engagement always came with a time limit, time for Tehran to negotiate in good faith or, as so many Members have said on this floor today, to show that it was only using talks as a cover for continuing enrichment of uranium.

Sadly, time is running short and there is still no diplomatic agreement. The enrichment continues and the threat grows. The past months have brought revelations of secret Iranian facilities, a lack of cooperation with the International Atomic Energy Agency, and a refusal to comply with Security Council demands to suspend enrichment.

Just today The Washington Post reported that ''Iran has learned how to make virtually every bolt and switch in a nuclear weapon, according to assessments by U.N. nuclear officials, as well as Western and Middle Eastern intelligence analysts and weapons experts.'' That language is in the paper today. That is why this is the right time to bring strong economic pressure to bear on the Iranian regime.

None of us want military conflict. Economic sanctions are not as effective as we would like them to be. But we just recently heard from a leader, the Chancellor of Germany, that a nuclear armed Iran was unacceptable. Angela Merkel spoke from this rostrum. This is not only a perception of the United States; it's a perception also of those who live in Europe, even more proximate to the nuclear threat that would be caused by Iran armed with nuclear weapons.

The bill was designed by Chairman BERMAN and his committee to target Iran's economy at one of its weakest points by penalizing companies that help Iran import or produce refined petroleum products. Even though it is an oil producer, Iran imports a great deal of the refined petroleum that powers its economy.

So these sanctions that are proposed will increase the high cost of Iran's self-imposed isolation from the international community. They are also a proportional response because they're exclusively tied to Iran's nuclear program. We should never take sanctions like these lightly.

Even as we stand with the protesters facing down repression at the hands of their own government, we understand that these sanctions will affect the lives of many ordinary Iranians for the worse. But we know that economic pressure has worked before to alter the behavior of outlaw regimes, especially when such pressure is widely supported by the international community, as certainly we must hope these sanctions are. We know that these sanctions are our best tool against the nuclear proliferation that risks the security of millions in the Middle East. And let me say that we have 250,000 or more Americans within range of Iranian missiles.

We know that Tehran can choose at any point to negotiate in good faith, abandon its aggressive nuclear pursuit, and rejoin the community of nations. We shouldn't hope for a change of heart from that regime, but we can hope for a change of behavior: a cold understanding that as long as Iran builds the capacity to catastrophically attack its neighbors, its economy will suffer deeply. These sanctions have the power to force that choice.

I therefore urge my colleagues to adopt this resolution. It is time. It is time to do more than talk. We are willing to talk. We want to talk. But talk without action is not acceptable. Let us pass this resolution, support the administration in moving ahead with the international community on imposing sanctions that will make not only the Middle East but the international community safer.

I thank the gentleman for the time.

Mr. BERMAN. Madam Speaker, I am very pleased to yield 1 minute to the gentleman from Florida (Mr. KLEIN), vice chairman of the Subcommittee on the Middle East and South Asia of the House Foreign Affairs Committee.

Mr. KLEIN of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise today to support the Iran Refined Petroleum Sanctions Act.

It is deeply disappointing that the Iranian government continues to choose to isolate itself. The Iranian government has chosen its clandestine nuclear program and its support for global terrorism over joining the community of nations in allowing its economy to thrive.

That is why I worked to include an important provision in today's legislation that requires companies applying for contracts with the United States Government to affirmatively certify that they do not conduct business with Iran.

The legislation gives companies a single choice: do business with the United States or do business with Iran. We cannot allow the U.S. Government to be a financial crutch of this rogue regime, not on our watch and not on our dime. And with the passage of this legislation, Iranian businesses will have a choice as well: support a regime that chooses economic isolation or work to change the behavior of the Iranian government.

I urge my colleagues to support this legislation.

Mr. KUCINICH. Madam Speaker, I yield myself 1 minute.

One of my colleagues cited The Washington Post, but if you read The Post article, they couldn't authenticate where the information came from. So after a while it has the ring of uranium from Niger.

We have to be careful that this sanctions debate doesn't put us on the path of a military escalation. We have to think why is the Obama administration, as has been quoted several times in this debate, expressing concern about this legislation, that this legislation might weaken, rather than strengthen, international unity and support for our efforts, that there are serious substantive concerns, the lack of flexibility that this would put on our President in his negotiations?

I submit for the RECORD Mohamed ElBaradei's September 9 comments as Director General about the Iran situation.

We've got to be careful that we're not making a situation worse and we're not giving our President the time that he says he needs for diplomacy.

SUMMARY OF THE DIRECTOR GENERAL'S COMMENTS MADE AT THE END OF THE BOARD OF GOVERNORS' DISCUSSION ON AGENDA ITEM 6(d)

(''Implementation of the NPT safeguards agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran'')

Vienna, September 9, 2009.

Thank you, Chairperson.

A few comments on the debate this morning and on what has been transpiring over the past few days. Clearly, we all need to break the logjam. Merely giving speeches here is not going to do that. We have to put our heads together. There is stalemate, as I have said. Iran has made some positive progress and I recognize that. It was partly, I hope, as a result of my private and public appeal to them to move in a positive direction. That is the only way to move.

I don't think that talking about formalities—whether the work plan has been fully implemented or not, how we should write our reports, or whether to have an annex, or whether something is routine or not routine—that is not the issue. The issue is to clarify the substance and to make sure that all outstanding issues are dealt with. It has been six years and I don't want this to continue, as in the case of the DPRK, for 17 years. One lesson I learned from the DPRK is that it is only through dialogue that you can move forward. There is no other way.

There is a positive development. Iran has agreed to our visiting the heavy water reactor and to strengthen verification in Natanz. These are all positive. But there is a lot more Iran can do. As Ambassador Soltanieh knows, I put a lot of premium on the Additional Protocol. I know it is not considered legally binding. But for us at the Secretariat, as we have repeatedly said, the Protocol is key for us to build confidence, not only about declared activities, but also about undeclared activities. And you (Iran) have implemented the Protocol before. I know Iran can do it again. I know you have been reacting to others, but frankly, you are not penalizing others, you are penalizing yourself. The Protocol will help us to move forward with the process.

Iran implemented the Code (3.1), before. I don't see any impediment to Iran doing it again.

There are a number of checkable facts, such as procurements by military establishments, and production by military establishments. These are issues, as Iran has said before, that Iran can help work with us to clarify. I hope you will do that because we need, both of us, to work together in a constructive, positive direction.

Coming to the alleged studies: they are alleged because the whole question is not really about assessment or analysis, it is about the accuracy and authenticity of the information about the alleged studies. That it is the 64,000 dollar question, frankly, and that is where we are stuck. We have limited ability to authenticate the allegations. It is one word against another. When we deal with nuclear material, we are very comfortable; we know the litmus test. We do measurements, we do environmental sampling. When it comes to paperwork, that is quite different for us because we have very limited tools.

We need Iran to help us to clarify these issues. We have said that we are not in a position to say these allegations are real, but we have serious concerns, because of what we've described—the detail, the different sources. We need to work with you to clarify these issues. I would be the first one to want to bring this issue to closure. I would hope that you would work with us and try to help us.

I would also hope that the suppliers of the information would help us by providing us the authority to share with you as much information as possible.

People talk about assessments. I am not a scientist, but I can tell you this: if this information is real, there is a high probability that nuclear weaponization activities have taken place. But I should underline ''if'' three times.

With nuclear material, we can give you full assurance. With certain documentation, it is quite difficult unless one side or the other will help us to establish the facts. However, there are other issues like procurement, like manufactures, where Iran can work with us. These are checkable facts and we need simply to clarify them.

We have in our reports always tried not to understate the facts and not to overstate the facts. We have serious concerns, but we are not in a state of panic because we have not seen diversion of nuclear material, we have not seen components of nuclear weapons.

We do not have any information to that effect. But I need the Protocol in order to be on more solid ground to make such a statement. That is why I say a Protocol is absolutely essential for us to verify the absence of undeclared activities.

When I hear Ambassador Davies and Ambassador Soltanieh, I don't see where the problem is. The U.S. is making an offer without preconditions on the basis of mutual respect. Ambassador Soltanieh said they are

ready to have a comprehensive dialogue. The offer by the U.S. is an offer that should not and cannot be refused, because it has no conditions attached. I hope your response to that is positive. We can spend days and nights talking about the issues, but unless we talk to each other and not at each other, we will not move forward. Dialogue is key. The Agency can provide some confidence, but there are many other issues that need to be addressed in a comprehensive manner and there have been a lot of opportunities lost over the past six years. We should not lose any more opportunities.

Finally, I will talk about this issue which has come to the media about withholding information. I mentioned that in my opening speech. Obviously, people are trying to undermine the Agency, but they are really undermining an institution that is absolutely essential to the maintenance of international peace and security. All the information we got came from people sitting in this room. If anybody has any information that we have not shared, that has passed muster, that has been critically assessed in accordance with our practice, please step forward today. Otherwise, as a preacher would say, ''You should forever hold your peace.''

This is where we are. If you have information, please step forward. We have no more information. The assessment is in our report. As I said, if this information on alleged studies is true, the likelihood is high that military activities have taken place in Iran. But, that hinges on the word ''if,'' which is where we are stuck right now.

As for the idea that we did not share all the information and that we only gave information in a briefing—I can't for the life of me understand how we can share information in a briefing with 150 Member States and at the same time be told that we have not shared information. That briefing is open to all Member States, every single one. But the briefing is simply to explain the report. It had nothing different from what is in the report.

We went through this, I'm sorry to say, during the time of Iraq, when the Agency went exactly through that—hype, fabrication. And then it took a war based on fiction and not fact, a war President Obama called euphemistically ''a war of choice''. It took a war and hundreds of thousands of people dying for the Agency to become stronger and more credible because we were sticking to the facts. I don't want to go through that process again; you do not want to go through that process again.

So let us all work together on the basis of diplomacy, on the basis of facts to be able to resolve the issues as early as possible.

MOHAMED ELBARADEI,
Director General.

Mr. BERMAN. Madam Speaker, I am pleased to yield 1 minute to a very patient member of the Committee on Homeland Security, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, today we will impose sanctions. We will sanction with this legislation or we will sanction the unacceptable status quo, to which I say not on my watch.

Let history record that even if I could not do enough, I did do all that I could. I support sanctions to avert a tyrant from acquiring nuclear weapons of mass destruction capable of creating an inferno unlike that which even the mind of Dante could imagine. To act later may be to act too late.

I rise in support of the Iran Refined Petroleum Sanctions Act (H.R. 2194). This legislation will restrict refined petroleum imports to Iran by strengthening the President's authority to impose sanctions on companies that provide refined petroleum or help Iran maintain or expand its domestic refining capabilities.

While Iran is one of the largest producers of crude oil, it lacks adequate refining capability to meet its own domestic needs for gasoline and is forced to import 25 to 40 percent of its refined petroleum needs.

This legislation will prevent Iran from importing the gasoline it needs as a way to put pressure on the Iranian government to suspend its uranium enrichment program.

For over a decade, the United States has played a central role in diplomatic, political and economic efforts within the international community to deter Iran from gaining nuclear weapons capabilities.

H.R. 2194 continues those efforts and is particularly important in light of recent intelligence indicating that Iran continues to advance its nuclear program.

The latest International Atomic Energy Agency, IAEA, resolution adopted by the Board of Governors on November 27, 2009, notes with serious concern how Iran has constructed an enrichment facility at Qom in breach of its obligation to suspend all uranium enrichment related activities.

Many experts believe that with further processing of low-enriched uranium, Iran could have the capability to produce a nuclear weapon by the end of this year, reinforcing the sense of urgency to address this threat.

A nuclear-armed Iran would lead to a nuclear arms race and increase the likelihood that such weapons might actually be used against the United States and our allies.

As such, it is a threat not only to the Middle East, but to the entire world.

I urge my colleagues to support this legislation and hope that it will be an effective step towards preventing such a threat.

□ 1630

The SPEAKER pro tempore. The gentleman from Ohio has 1 minute remaining. The gentleman from California has 2 minutes remaining.

Mr. KUCINICH. I will use the balance of my time.

Madam Speaker, this is starting to sound like the debate over Iraq.

My concerns are that this resolution is opposed to our national security, that it undermines diplomatic initiatives, that it creates a gas shortage in Iran which, in a sense, the regime would blame on the United States. It will benefit the Revolutionary Guard in its effort to gain profit off of a black market. It will throw the energy politics of the world into chaos with Russia, Venezuela and our European allies all coming in to play. It will undermine our diplomacy. It will isolate us from our allies. It will isolate us from trading partners. It will undercut international energy companies which try to work with the United States in back channels in diplomacy. It will undermine democracy efforts in Iran, and it will strengthen the hardliners. It will make U.S. presence in Iraq, Afghanistan, and Pakistan more dangerous for our troops.

This sanctions resolution is, unfortunately, a path towards military escalation. As such, it should be defeated.

I yield back the balance of my time.

Mr. BERMAN. I yield myself the remaining time.

Madam Speaker, I have heard, I guess, three reasons put forth about why people should not support this legislation.

The first is some hint of a belief that Iran is not pursuing a nuclear weapons capability. Our report lists activity after activity that Iran has undertaken to hide its activities from the IAEA to build enrichment facilities that have no purpose in the uranium enrichment program and to talk about neutron triggers, which only have one purpose, which is to detonate a nuclear weapon. It is a country that has been offered by Russia, with the support of the P5, a chance for a nuclear energy program, and it has spurned all of those offers to pursue this. To me, there can be no serious doubt about that.

The second argument is that they get a nuclear weapon, and we can contain them. For the reasons I gave in the beginning and because I believe it totally destroys the nonproliferation regime, containment is not the right policy.

The third argument is that these sanctions are going to hurt the Iranian people. Well, I was here in 1986 when we took up a prohibition on any new investment, not investment in the energy sector, but any new investment in the apartheid regime of South Africa.

What was the argument against it? Banning new investment, curtailing economic growth, hurting the majority of the population in South Africa. Don't do it. Don't wreak havoc on the poor people.

We did not listen to that argument. We enacted those new sanctions. Europe soon followed in banning new investment. The South African business community went to the regime in South Africa and pointed out the economic devastation they faced if they continued with their apartheid policies.

It is ludicrous to think that the people who are risking their lives and their liberty and their limbs and who are doing everything they can to express their opposition to this regime in Iran are going to turn into a unifying force behind that regime because the price of oil gets higher. We are working with them to weaken that regime and to stop this nuclear weapons program.

Ms. LEE of California. Madam Speaker, as one who has worked for nuclear disarmament and nonproliferation efforts throughout my life, I share my colleagues concern regarding the prospect of a nuclear armed Iran.

I strongly believe Congress must support the Administration's diplomatic efforts and provide tools to help that diplomacy succeed in curbing Iran's belligerent and deceptive activities as related to their nuclear program, as well as put an end to the unjust and inhumane tactics used by the Iranian government to suppress democratic dissent amongst their own people.

I have serious concerns regarding Iran's violation of its obligations under the Nuclear Non-Proliferation Treaty, NPT.

I believe strongly that the international community must work in a united collaboration to compel Iran to renounce and cease all activities that are in violation of the NPT, and submit fully to the international inspection regime.

Let me also be clear that I strongly oppose the use of military force and while sanctions, particularly, with international support, can be utilized effectively if designed appropriately and in the right circumstances, they cannot be viewed as a checkmark on the path to war.

Madam Speaker, there certainly may come a time for additional unilateral sanctions against Iran and those that would do business with them.

Iran's recent rejection of international overtures and threats of expanding their nuclear enrichment program without allowing for improved transparency demand that Congress work with the administration to effectively increase pressure on Iran should multilateral diplomacy fail.

But let us do everything we can to support the Obama administration during this very critical juncture.

Iran's failure to-date to grasp this opportunity for engagement has opened the door to a multilateral sanctions regime that will be necessary to compel Iran to change course.

I have grave concerns that H.R. 2194, as currently written may jeopardize these efforts by:

Setting inefficient monetary thresholds and penalty levels

Risking unintended foreign policy consequences as a result of potential punitive measures against the very international partners from which we are seeking cooperation on this issue; and

Narrowing the President's waiver authority in a manner that may undermine the President's flexibility as he pursues a dual track of engagement coupled with increasingly unified international pressure.

Madam Speaker, after decades of levying unilateral measures against Iran with little effect, and in recognition of the essential support of our international partners, I cannot fully support moving forward with this bill in its current form.

In placing my vote today, I recognize that this bill is not in its final form-but in its current form it does not meet the test of efficacy for achieving our non-proliferation goals with respect to Iranian behavior.

It is my hope that changes to address these concerns will be reflected in the bill when it returns to the House floor.

While we are not able to make changes to this legislation here today, I plan to work with, and in support of Chairman BERMAN and the Administration, to ensure any sanctions package ultimately signed into law most effectively serves U.S. interests in preventing a nuclear armed Iran.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009. This legislation provides another tool for the President to prevent Iran from developing nuclear weapons by allowing the administration to sanction foreign firms who attempt to supply refined gasoline to Iran or provide them with the materials to enhance their oil refineries. These sanctions would further restrict the government of Iran's ability to procure refined petroleum. Currently, the availability of petroleum products is stagnant in Iran. Private firms have decided that the government of Iran's refusal to cooperate with the multilateral community on nuclear proliferation generates a significant risk to doing business with Iran.

I would like to thank Chairman BERMAN, for incorporating my concerns about the human rights situation in Iran into the findings of this legislation. It is important that we acknowledge that, throughout 2009, the government of Iran has persistently violated the rights of its citizens. The government of Iran's most overt display of disregard for human rights happened in the Presidential elections on June 12, 2009. As I said on June 19, 2009, "we must condemn Iran for the absence of fair and free Presidential elections and urge Iran to provide its people with the opportunity to engage in a Democratic election process." The repression and murder, arbitrary arrests, and show trials of peaceful dissidents in the wake of the elections were a sad reminder of the government of Iran's long history of human rights violations. The latest violations were the most recent iteration of the government of Iran's wanton suppression of the freedom of expression.

It is important that we are clear that our concerns are with the government of Iran and not its people. The State Department's Human Rights Report on Iran provides a bleak picture of life in Iran. The government of Iran, through its denial of the democratic process and repression of dissent has prevented the people from determining their own future. Moreover, it is the government of Iran that persecutes its ethnic minorities and denies the free expression of religion. As we proceed with consideration of this legislation, we should all remember that the sole target of these sanctions is the Iranian government.

Madam Speaker, the government of Iran has repeatedly shown its disdain for the international community by disregarding international nonproliferation agreements. Iran's flagrant violation of nonproliferation agreements was evidenced most recently in the discovery of the secret enrichment facility at Qom. The government of Iran's continued threats against Israel, opposition to the Middle East peace process, and support of international terrorist organizations further demonstrate the necessity for action.

Iran's recent actions towards the international community reflect a very small measure of progress. Iran's decision to allow International Atomic Energy Agency, IAEA, inspectors to visit this facility was a positive sign, but not a sufficient indication of their willingness to comply with international agreements. The recent announcement that Iran will accept a nuclear fuel deal is also indicative of their willingness to engage in dialogue, though it remains to be seen what amendments that they will seek to the deal. While these actions indicate a small degree of improvement in Iran's position, the legislation before us today demonstrates that only continued dialogue and positive actions will soften the international community's stance towards Iran.

I would also like to emphasize that the legislation before us provides only one tool for achieving Iran's compliance with international nonproliferation agreements. I continue to support the Administration's policy of engagement with Iran and use of diplomatic talks. I believe that diplomacy and multilateralism are the most valuable tools we have to create change in Iran. After those tools fail, I believe that the sanctions are an appropriate recourse.

Mr. PAULSEN. Madam Speaker, I rise today in strong support of H.R. 2194, the Iran Refined Petroleum Sanctions Act.

A few months ago, a second nuclear enrichment site was discovered in Iran. The Iranian regime had withheld the disclosure of this facility from the International Atomic Energy Agency for quite some time—yet another violation of Iran's obligations under the Nuclear Nonproliferation Treaty. Furthermore, this second facility will allow Iran to produce more enriched uranium and at an even faster rate.

There is no doubt that a nuclear Iran poses a dangerous threat to the United States and its allies throughout the Middle East and across the entire globe. We cannot allow the Iranian regime to continue threatening its neighbors and thumbing its nose at the world. And we certainly cannot let a regime that has threatened to wipe Israel off the map even come close to obtaining a nuclear weapon.

Madam Speaker, the Iran problem is getting worse, not better. It is time we take action.

Currently, Iran relies on foreign suppliers for 40 percent of its refined petroleum. The legislation before us would sanction foreign companies that sell refined petroleum to Iran, or help Iran with its own domestic refining capacity, by depriving those companies of access to the U.S. market. This will help put needed pressure on Iran to suspend its program and allow for verification of that action.

Time and time again, Iran has been given the opportunity to prove they are not pursuing nuclear weapons and each time they have failed to do so. It is time for the U.S. to take action and send a message that the world will not sit idly by as tyrants in Iran buy time to enrich uranium and ultimately amass a nuclear weapon.

Madam Speaker, I would be remiss if I did not mention the brave Iranian people who are peacefully going to the streets to protest the actions of the current regime. It is not only for our own security but also for these people—the students and dissidents who desire a better future for their nation—that this legislation should be passed.

The status quo when it comes to Iran is no longer a viable option. This bill offers a peaceful, significant course of action that will set the world on a safer course when it comes to Iran. I urge adoption of this important legislation.

Mr. JOHNSON of Georgia. Madam Speaker, nuclear weapons are a plague.

If we are to control their spread, international law must mean something. Words must be supported by action.

In recent months, the United States and our allies have engaged in vigorous multilateral diplomacy in an attempt to break through an impasse with Iran over its nuclear program.

Rather than engaging in good-faith diplomacy, Iran has stalled and played games.

So today we must authorize President Obama to impose sanctions on Iran's petroleum sector. Iran's leaders must understand that life will become more difficult every day they defy the lawful will of the international community. I urge the President to use this authority carefully, patiently, and effectively.

I commend Chairman BERMAN for his diligence and determination in bringing this legislation through Committee and to the floor. I am also proud to have a small claim of co-authorship. I contributed language that highlights Iran's construction of a secret uranium enrichment facility at Qom and demands that Iran

disclose any additional covert enrichment facilities.

Iran's acquisition of nuclear weapons will beget similar programs by Iran's neighbors. A nuclearized Middle East is bad for international security, bad for the global economy, bad for the United States and bad for our allies.

Nuclear weapons are a plague. Here we must draw a red line and stop their spread.

Mr. OLSON. Madam Speaker, I rise in strong support of the Iran Refined Petroleum Sanctions Act.

The threat from Iran is real. Just last month, the IAEA censured Iran for its secret nuclear facility. In response, Iran vowed to no longer cooperate with the IAEA and, soon after, announced their plans for 10 additional nuclear enrichment sites. Iran is also the leading state sponsor of terrorism and is supporting extremist organizations in the Middle East and beyond.

It is time for this Congress to say ''enough is enough.'' This legislation sends a clear message: foreign entities selling petroleum to Iran will pay a price and will not enjoy the benefits of having the United States as a customer.

I commend Mr. BERMAN for this fine piece of legislation and urge my colleagues to support H.R. 2194.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I am a strong supporter of H.R. 2194, the Iran Refined Petroleum Sanction Act. I believe Iran remains the number one national security concern for the international community. Iran's continued pursuit of nuclear capabilities is extremely concerning and remains a serious threat to the United States of America and the entire world. Iran's refusal to respond to the United States' diplomatic engagement is especially disconcerting. I'd like to thank Chairman BERMAN for his willingness to add language to this legislation at my request, highlighting Iran's unwillingness to cooperate with the international community and the government's insistence on rejecting the United States' efforts at engagement.

When Iran's secret nuclear facility was revealed in September, my colleagues and I demanded that the Government of Iran immediately disclose the existence of any additional nuclear-related facilities, and provide open-access to its Qom enrichment facility. The Obama Administration set a deadline for Iran to open the facility for inspection. However, Iran did not meet this deadline. Iran was also required to ship its low-enriched uranium stockpile to Russia and France for conversion. Yet again, Iran refused to accept this deal. Iran has systematically refused to live up to any of its promises of transparency and cooperation with the international community. Instead, Iran decided to act against our efforts at engagement by announcing that it would enrich its own uranium to 20 percent, and that it would build 10 new enrichment plants for purportedly civilian purposes.

These actions are unacceptable and the U.S. House of Representatives must ensure that our country is not investing in companies and institutions that enhance Iran's petroleum resources, which may be used to fund their nuclear ambitions and terrorist groups. However, I also believe the international community must come together to help neutralize the threat Iran poses to the rest of the world. All states must take responsibility for maintaining peace and security in the region through multilateral sanctions and efforts to force Iran to denuclearize. In order to be successful, I believe these efforts must be international in scope.

The passage of H.R. 2194 is an important step towards continuing to show Iran that we will not stand by idly while they continue to threaten the peace and security of the rest of the world. I regret that I am unavoidably detained in California. However, as a cosponsor and strong supporter of H.R. 2194, I would have voted ''aye'' on this critical legislation.

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009, aimed at checking the government of Iran's clandestine effort to acquire a nuclear weapons capability.

That effort is particularly troublesome given the country's ongoing support of international terrorism and its programs to develop ballistic missiles. An Iranian regime armed with nuclear weapons and the systems to deliver them, and no compunction about targeting innocents, will present a grave security threat to the United States, the Middle East and the entire globe. And make no mistake: Iran has global ambitions, now encompassing the Pacific Islands. Last year, for example, Iran provided a $200,000 scholarship fund to the Solomon Islands for students living there to study medicine in Cuba. This year, the Solomons voted in favor of a U.N. resolution regarding the seriously-flawed Goldstone Report on the Gaza conflict.

Meanwhile, today's Washington Post reports that Iran's indigenous scientific and technical capabilities appear to have put Teheran on the threshold of becoming a nuclear weapons state. And as Secretary of State Hillary Rodham Clinton noted yesterday, diplomatic engagement with Iran over its nuclear activities, ''has produced very little in terms of any kind of a positive response from the Iranians.''

H.R. 2194, sponsored by the Chairman of the House Foreign Affairs Committee, the distinguished gentleman from California, Mr. BERMAN, provides the Administration one more instrument for its diplomatic tool kit: explicit authority to impose additional sanctions on the Iranian regime if it fails to abandon its quest for nuclear weapons.

While I hope that the President will not have to exercise that authority, I believe having it available will increase his diplomatic leverage. It is time for the government of Iran to heed the call of the international community and abandon its nuclear ambitions. I ask my colleagues in the House to reinforce that call by supporting H.R. 2194.

Mr. CAMP. Madam Speaker, I rise in support of H.R. 2194.

I am deeply concerned that Iran continues to pursue nuclear capabilities in defiance of the international community. The Iranian leader's abhorrent statements against America and Israel are outrageous.

Both current and previous Administrations view Iran as a profound threat to U.S. national security interests, a view that reflects my position as well.

We must address the situation. I have continually supported efforts to give U.S. Presidents the tools and capabilities needed to prevent Iran from acquiring nuclear weapons, and I continue to do so today.

I wholeheartedly agree with the goal of H.R. 2194. I believe we need to expand sanctions to refined petroleum resources to prevent Iran's nuclear proliferation. However, while domestic sanctions are critical, it is also important that our allies participate in an international coalition so that combating Iran's nuclear proliferation is a multilateral effort.

This bill, like other Iran sanctions bills that have preceded it in this chamber, was referred to the Ways & Means Committee. Usually on Iran bills, Foreign Affairs and Ways & Means discuss and agree jointly on the provisions in the bill that fall within the jurisdiction of my Committee. These conversations have always been very productive in the past. This process provides the best possible outcome, because it respects the strength and thrust of the bill, as well as positions the legislation to give our Administration the best chance at continuing to cultivate and maintain international multilateral pressure.

We are still in the midst of that process for the bill now under consideration, and the bill we are voting on reflects the starting point of that process, not the end result. The aspects of the bill within the jurisdiction of Ways & Means that the two Committees are still discussing include the bill's provisions addressing the President's waiver authority, the structure and content of the additional mandatory sanctions, and certain definitions.

Although we have not completed our discussions, I can nevertheless offer my full support to this bill because of the Foreign Affairs Chairman's commitment to continue working with the Ways & Means Committee on these outstanding issues.

In light of that commitment, it is my expectation that bona fide, good-faith discussions between Ways & Means and Foreign Affairs will continue as this legislation proceeds in the legislative process.

Mrs. MILLER of Michigan. Madam Speaker, I rise today in strong support of H.R. 2194—Iran Refined Petroleum Sanctions Act.

This bill requires the President to impose sanctions on any entity that provides Iran with refined petroleum resources, or engages in activity that could contribute to Iran's ability to import such resources.

Because Iran lacks sufficient domestic petroleum refining capability, a restriction of gasoline deliveries to Iran will become a painful sanction designed to bring Iran's leaders into compliance with their commitments under the Nuclear Non-Proliferation Treaty.

The government of Iran must verifiably suspend, and dismantle its weapons-applicable nuclear program and stop all uranium enrichment activities.

There can be no doubt that Iran poses a significant threat to the United States and our allies in the Middle East and elsewhere. Iran is proceeding with an aggressive nuclear weapons program, despite its claim that the Iranian nuclear program is for peaceful uses.

Preventing Iran from acquiring nuclear weapons and ending its support for international terrorism are vital United States national security interests.

We know that Iran has engaged in stonewalling, deception and deceit when it comes to its nuclear program. Several weeks ago, a secret uranium enrichment facility near the city of Qom was revealed—a facility the Iranians failed to disclose to the International Atomic Energy Agency.

Yesterday, British intelligence revealed that it has discovered documents which indicate

that Iran has been testing nuclear bomb triggers since at least 2007.

This Administration is engaged in some wishful thinking if they believe that the threat posed by Iran's nuclear weapons program can be negotiated away through engagement and concessions.

Mohammad El-Baradei, the former head of the IAEA said, ''Investigations into military aspects of Iran's nuclear program had reached a ''dead end.''

We have tried negotiations and inspections to convince the Iranian regime to end its weapons program and we are getting no results.

So, the time has come to take decisive, concrete action and nothing less than overwhelming and crippling sanctions will compel Iran to end the pursuit of nuclear weapons.

This bill provides a powerful stick to force the Iranians to end its illicit nuclear weapons program.

I urge my colleges to support this bill.

Mr. LIPINSKI. Madam Speaker, I rise today in strong support of H.R. 2194, the Iran Refined Petroleum Sanctions Act. I am proud to be a cosponsor of this important bill, and urge my colleagues in the House, as well as the Senate, to enact this legislation into law without delay.

Iran has for decades presented a serious threat to the security of the United States, our allies, the region, and the international community. Its support for terrorism and other belligerent activities has been a particular challenge to the security of Israel and the entire Middle East. Iran's more recent efforts to develop nuclear weapons elevate these security threats, and must be resisted by all the diplomatic and security institutions of the United States. Furthermore, the reports this week that Iran is pursuing technology specific to nuclear weapons should remove any doubts about Iran's intentions with regard to uranium enrichment, and make clear to me that we must contain this threat immediately.

The Iran Refined Petroleum Sanctions Act will provide the United States with a new lever against the Iranian regime in order to deter its dangerous behavior. Specifically, this bill would allow the President to impose sanctions on any business or individual that makes an investment that contributes to Iran's ability to develop its petroleum resources or to import petroleum goods. Iran relies on its oil exports to derive income, and must also import 30–40 percent of its gasoline to meet its needs. Sanctions on petroleum development and the fuel needs of Iran will further cripple its economic development—focused primarily on the elite class that is closest to the regime, and help to increase the costs of its threatening activities. These far-reaching sanctions, capturing all those who provide a range of associated support to Iran's petroleum needs, will send an important message to the regime that its nuclear weapons ambitions are unacceptable, and that they will be met with serious consequences.

It is very important that Congress pass this bill quickly in order to provide the President the necessary options and legal remedies to deter Iran. There is a point of no-return with nuclear weapons development, and we must engage all available options to prevent Iran from developing those capabilities. Furthermore, as we have learned with Iran's support for terrorist groups like Hezbollah, should Iran acquire nuclear weapon capabilities, it is all too likely that they will share their weapons and knowledge with any number of dangerous actors. Nuclear weapons proliferation, particularly to non-state actors and those who pose the greatest threats to the security of America, Israel, and other allies, must be stopped at all costs.

At the same time, it is vital that we seek the support of the international community to pressure Iran to stop its nuclear weapons pursuit. We must work with our allies in Europe, as well as with China, Russia, and others to address the threat that a nuclear-armed Iran presents to the world. But international efforts should not be an alternative to the United States pursuing the strongest sanctions options possible against Iran.

It will be very important in the upcoming year that we continue to proceed with both U.S. sanctions, and also international diplomatic efforts and sanctions to prevent Iran from proceeding with its dangerous and insular nuclear weapons ambitions. Iran must not be allowed to become a nuclear weapons state, and we must pursue all available options to prevent that from occurring. It is essential to that goal that we pass the Iran Refined Petroleum Sanctions Act.

Mr. MACK. Madam Speaker, today I rise in strong support of the Iran Refined Petroleum Sanctions Act of 2009 (H.R. 2194). I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership and work to bring this legislation to the floor. I would especially like to thank them for working with me to ensure that language related to Venezuela and Iran was included.

Madam Speaker, Iran is not wasting any time in its pursuit of nuclear weapons, and this body must also not waste any time in making sure that this bill becomes law.

Today in the Western Hemisphere, Iran and its proxies, such as Hezbollah, are working hard to promote acts of terrorism.

Iran is also working diligently across the Western Hemisphere to acquire uranium. This would, of course, not be possible without the help of Venezuelan leader Hugo Chavez.

Madam Speaker, my subcommittee held a hearing in which we addressed Iran's rising influence in the Western Hemisphere. All experts point to Venezuela when it comes to Iran's threat in our region.

Hugo Chavez has not only facilitated Iran's influence, but is a co-conspirator with Iranian leader Mahmoud Ahmadinejad in both evading sanctions and procuring nuclear technology.

This bill targets Iran. And we should target Iran. But we must also be mindful of who is helping Iran avoid sanctions and who is helping Iran achieve its ultimate goals.

This bill rightfully adds the sale of gasoline to the list of sanctions for Iran. It should come as no surprise to this body that just a few months ago, Chavez and Ahmadinejad signed a deal that allows Venezuela to sell 20,000 barrels of gasoline each day to Iran.

Chavez's actions clearly undermine our efforts and bolster Ahmadinejad's ability to acquire a nuclear weapon. We in Congress must not stand for it. We must stem Ahmadinejad's growing influence in Latin America, and we can start by passing this important legislation.

I urge my colleagues to support the Iran Refined Petroleum Sanctions Act.

Mr. ROONEY. Madam Speaker, I rise today in strong support of H.R. 2194, the Iran Petroleum Sanctions Act. Not only has Iran repeatedly refused to engage in international diplomatic efforts to halt their ongoing nuclear program, it is resolute in its plans to expand it. Just today, Israel's Military Intelligence Chief Major General Amos Yadlin stated that Iran has enough nuclear material for a warhead and is close to being able to build one. This announcement reinforces the urgency of strengthening the United States economic sanctions against Iran.

The United States must defend the security of Israel and the Middle East, as well as our citizens here at home from Iran's dangerous threats. This bill sends a clear message that the United States takes Iran's actions and threats seriously and that we will not sit idly by. I urge my colleagues to vote in favor of this critical legislation and I am thankful it has finally been brought before the House for consideration.

Mr. PENCE. Madam Speaker, I rise in support of H.R. 2194, the Iran Refined Petroleum Sanctions Act, and I commend the chairman and ranking member of the House Foreign Affairs Committee for their leadership in bringing this legislation to the floor.

In June of this year, it was a great privilege for me to partner with Chairman BERMAN in bringing a bipartisan resolution to the floor of the House that expressed the American people's solidarity with dissidents in Iran and condemned the violence taking place there. That resolution was met with overwhelming support. So should this Iran sanctions legislation.

Iran has deceived the world community time and again, and any assurance that their nuclear program is peaceful should be seen for what it is, just another lie. Iran's support for terrorism and pursuit of weapons of mass destruction have long threatened global peace and security. It is time to impose meaningful sanctions on the Iranian government, and send a strong signal that these dangerous acts will not stand.

President Obama promised during his campaign that he would extend an open hand to Iran and has expended precious time and resources towards that goal. However, the international community and this country have talked long enough about Iran's nuclear ambitions; it is time for deeds.

I urge my colleagues to come together in a bipartisan way to support this important legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, today I will vote against H.R. 2194, the Iran Refined Petroleum Sanctions Act. This legislation seeks to expand economic sanctions against Iran. I believe that the foundation of this act reflects a misguided and self-defeating approach to United States foreign policy. Economic sanctions will target the Iranian people not just the Iranian government. These sanctions seek to make the Iranian people miserable enough so they will pressure their government to change course. We have seen from the past Iranian Presidential elections that public pressure directed at the government has, and did not, work. We have seen from the past with countries, such as Cuba and Iraq, that these sanctions harm the people and not the ruling government. I believe that these economic sanctions take authority away from the President and States of Department by tying their hand from achieving a diplomatic national security strategy. Let me be clear, I do not approve of Iran's nuclear

program or of this governments human rights record. I believe that we must trust in our President and State Department to lead international pressures on Iran.

Madam Speaker, I have always promoted diplomacy, peace, and human rights. In 2001, I created ''A World of Women for World Peace'' to bring greater visibility to peacemaking and peace-building activities in communities around the world. I firmly believe that the burden of peacemaking, peace building, and nation building cannot be left to one institution, gender or political party. It must be a shared responsibility that encompasses all, regardless of race, class, gender and religion. If these sanctions are passed, they will block Americans and Iranians from working together promoting peace, nation building, and human rights.

Mr. PETERS. Madam Speaker, I rise today in strong support of the Iran Refined Petroleum Sanctions Act, legislation that I co-sponsored because of my concerns about the Iranian nuclear threat. We in Congress must act swiftly to make sure a nuclear Iran is never a reality.

I know how destabilizing a nuclear Iran would be to the region. While serving on duty with the U.S. Navy reserve in the United Arab Emirates, I could look out each day over the Straights of Hormuz. I could see the line of oil tankers waiting to transit the straights and I saw what a choke point that was for the world's economy. This year, I traveled to Israel, a trip which reinforced just how critical and grave the threat from Iran is to Israel's security and America's interests in the region.

Despite being a leading producer of crude oil, Iran cannot adequately meet its own needs for refined petroleum products. Enacting sanctions to restrict the imports of those products into Iran is important leverage we must have to ensure the security of the united States, Israel, and our allies around the world.

Passing tough sanctions today will show Iran, and the global community, that the United States will not stand idle as Iran attempts to amass a nuclear arsenal.

Madam Speaker, the threat is real and the time to act is now. I strongly urge passage.

Mr. McMAHON. Madam Speaker, the Iran Refined Petroleum Sanctions Act of 2009, an historic, bipartisan piece of legislation, smartly targets investment in Iran's hydrocarbon sector.

Outside of the oil and natural gas industry, Iran has practically no economy and any international company that chooses to invest and assist Iran in importing or producing refined petroleum, enables Iran to buy time as it masters the nuclear cycle. This perilous cat and mouse game, ultimately endangers the security of the U.S. Israel and the global community.

For those who question the effectiveness of stricter sanctions, I would point out the fact that already, due to U.S. pressure, at least 40 banks, including Deutsche Bank, UBS, Credit Suisse, and Commerzbank AK, have reduced business with Iran.

Yet, despite increased pressure from the international community and 5 UN Security Council Resolutions, Iran still refuses to suspend its enrichment program and has pledged to build even more enrichment facilities.

For this reason, H.R. 2194 is a necessary instrument in the tool box of international diplomacy that the United States can use to pressure Iran to engage in serious negotiations.

While I commend the Obama Administration for its willingness to engage with Iran and offer new solutions, I fear that their dialogue and discussion isn't being met with true partnership by the Iranian regime. The Iranian Government continues to drag their feet and refuse to commit to honest dialogue.

Madam Speaker, nuclear nonproliferation is a global responsibility.

Through my position on the House Committee on Foreign Affairs, I included a provision in this bill to the President to issue a timely report on the trade and sales of petroleum extraction equipment between Iran and members of the G20.

Sactions by the United States alone will not put the pressure on the Iranian regime unless they are met with equal restrictions by our friends and allies.

I have devoted much of my efforts on the committee to promoting transatlantic relations and nonproliferation efforts, and I feel that there is no better way to engage with allies and foes-alike than to promote a nuclear nonproliferation regime and ending Iran's nuclear ambitions once and for all.

This reporting requirement will allow the U.S. to weigh the efforts of the G20 members in the fight against nuclear proliferation and will ultimately further secure the United States, Israel and the global community.

I am confident that this measure will undoubtedly give the Administration the leverage that it needs to negotiate with the Ahmadinejad regime, but the United States will need the support of the international leaders in trade and the energy sector to wean Iran off its nuclear ambitions.

Ms. MOORE of Wisconsin. Madam Speaker, I am concerned about Iran's irresponsible violations both of its commitments under the Nuclear Nonproliferation Treaty, NPT, and its agreements which it signed with the International Atomic Energy Agency, IAEA.

I share my colleague's conviction to stop an Iranian regime headed by Ahmadinejad from getting nuclear weapons. However, I think we should do so without crippling the Iranian people (as is noted in this legislation towards whom the people of the United States have feelings of friendship and hold in the highest esteem) or crippling efforts to raise a unified and international response to Iran's continuing noncompliance.

While we all recognize that the intention of this act is not to punish the Iranian people, it does not escape me that the impact of these sanctions will result in more suffering for them nonetheless. Upon introducing this bill in April, the Chairman of the Foreign Affairs Committee noted his belief ''that this measure could have a powerfully negative impact on the Iranian economy.'' For sanctions to be truly crippling to Iran, they have to ''cripple'' the people first.

At a time when the Iranian people have courageously challenged the mullahs and the rulers in Iran by taking to the streets after the elections and recently again this month, there is concern that this unilateral approach may end up benefitting, not hindering, the regime and sowing the anger of the Iranian people at the U.S., not the Iranian government.

Unilateral sanctions can have unintended consequences. In a recent Dear Colleague, it was noted that ''in two recent instances, Microsoft and Google each determined that they must deny instant messaging services to the Iranian people that were previously available, citing their duty to comply with U.S. sanctions.'' Apparently, this medium had become a popular way for protesters to get around increasing efforts by the Iranian government to monitor their communications. As a result, my colleagues warned that ''Congress must act quickly to ensure that we are not unwittingly doing the repressive work of the Iranian government on its behalf.''

The President is currently working with our international partners not only as part of a renewed diplomatic outreach effort but also to fashion a strong multilateral response if Iran continues to refuse to cooperate with the international community.

In testimony in October, the State Department told Congress that it believes it has ''the authorities necessary to take strong action alone and together with our international partners, should they prove necessary'' to squeeze off financing of Iran's nuclear weapons efforts.

For example, the Treasury Department can continue to use the authority that it has used for over three years now to blacklist Iranian banks and encourage international banks to avoid doing business with Iran.

As a result, since 2006, the U.S. has taken action against over 100 banks, government entities, companies, and people involved in Iran's support for terrorism and its proliferation activities including freezing assets and preventing U.S. persons, wherever located, from doing business with them.

Recently, the Department wrote to express its concerns about companion Senate legislation to the bill before us today warning that ''during this crucial period of intense diplomacy to impose significant international pressure on Iran'' it was concerned that such legislation, ''in its current form, might weaken rather than strengthen international unity and support for'' these efforts.

In this letter, the Administration appealed for a delay of that bill in order not to undermine ''its diplomacy at this critical juncture.''

Israeli officials have also made clear that broad-based international efforts, including for sanctions, are better than the unilateral approach before us today. Very recently, Israeli Defense Minister Ehud Barak noted that ''There is a need for tough sanctions . . . Something that is well and coherently coordinated to include the Americans, the EU, the Chinese, the Russians, the Indians.''

I also share the concerns that some have that the legislation before the House today will ''disempower''—not empower—the President to bring this multination coalition together by taking away or limiting his flexibility to use sanctions as necessary to assist diplomatic efforts. That's a very curious definition of ''empowerment.''

It's as curious as saying that it is in the U.S. national security interest and helps diplomacy to make it harder for the President—any President—to use and waive sanctions when he

thinks the timing best serves our efforts to put pressure on Iran.

The President's flexibility to conduct foreign relations and diplomatic efforts to achieve a strong international consensus against Iran is not a loophole that needs to be closed but a vital tool that needs to be supported. I am concerned that this bill as written would keep our allies from working with us to address the threat from Iran.

Earlier this year, Nicholas Burns, who served under the Administrations of George H.W. Bush, Bill Clinton, and as George W. Bush's top State Department negotiator in efforts to thwart Iran's nuclear program, testified in dealing with Iran, "My main recommendation for this committee and the Congress, however, is to permit the President maximum flexibility and maneuverability as he deals with an extraordinarily difficult and complex situation in Iran and in discussions with the international group of countries considering sanctions. It would be unwise to tie the President's hands in legislation when it is impossible to know how the situation will develop in the coming months."

An action taken against Iran—including sanctions—should have the broadest possible support in the international community. According to the Administration, "with wide international support, sanctions regimes can be enforced, pressure can be sustained, and Iran's leaders are less able to shift the blame from themselves to the U.S. for the pains caused by their behavior." Even the Senate version of this same legislation recognizes the limits of more U.S. only sanctions. In section 111 of S. 2799, it is noted that "in general, multilateral sanctions are more effective than unilateral sanctions at achieving desired results from countries such as Iran."

International pressure for Iran to act or to face more forceful international action is building, as evidenced by the recent IAEA vote condemning Iran for its Qom enrichment facilities.

All five veto-wielding members of the Security Council (China and Russia included) voted for that measure, which opens up the potential for another round of Security Council sanctions.

The progress in uniting the Security Council is attributable to President Obama's investment in diplomacy. If Congress moves forward with sanctions that target our allies, that unity may very well collapse.

Sanctions have a place. I am a cosponsor of H.R. 1327, the Iran Enabling Sanctions Act of 2009, which passed the House with my support by a vote of 414–6 on October 29th. There are even provisions of this legislation which are worthwhile and which I have supported in the past as stand-alone legislation (H.R. 957 in the 110th Congress) that make clear that current U.S. sanctions can be used against financial institutions, insurers, underwriters, guarantors, and any other business organizations, including foreign subsidiaries, that aid investment in Iran's energy sector.

However, the less united the international community is in applying pressure against Iran, the greater the risk our measures will not have the impact we seek. And given the gravity of the stakes at risk here, that would be truly regrettable.

As noted by Secretary of State Clinton just yesterday, "we have pursued, under President Obama's direction, a dual-track approach to Iran. We have reached out. We have offered the opportunity to engage in meaningful, serious discussions with our Iranian counterparts . . . The second track of our dual-track strategy is to bring the international community together to stand in a united front against the Iranians."

I hope that as this legislation moves forward in the legislative process, further changes will be made to strengthen this bill in a way that will truly enhance, and not hobble, strong diplomatic efforts to diplomatically engage with Iran as well as to enact multilateral sanctions.

Mr. BERMAN. 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. BERMAN) that the House suspend the rules and pass the bill, H.R. 2194, 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. BERMAN. Madam 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.

HOUR OF MEETING ON TOMORROW

Mr. BERMAN. Madam Speaker, pursuant to clause 4 of rule XVI, I move that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The motion was agreed to.

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. 971, by the yeas and nays;

H.R. 2194, de novo;

H. Res. 150, de novo;

S. 1472, de novo.

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

BREAST CANCER SCREENING GUIDELINES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 971, 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 California (Mrs. CAPPS) that the House suspend the rules and agree to the resolution, H. Res. 971.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 8, as follows:

[Roll No. 974]

YEAS—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
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
Grijalva
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
Hoekstra
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)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
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)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
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
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
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.
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)
Smith (WA)
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
Tsongas
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—8

Barrett (SC)
Bishop (UT)
Clay
Deal (GA)
Murtha
Polis (CO)
Radanovich
Sanchez, Loretta

□ 1700

Ms. LINDA T. SÁNCHEZ of California changed her vote from ''nay'' to ''yea.''

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.

IRAN REFINED PETROLEUM SANCTIONS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 2194, as amended.

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. BERMAN) that the House suspend the rules and pass the bill, H.R. 2194, 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.

RECORDED VOTE

Mr. BERMAN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 12, answered ''present'' 4, not voting 6, as follows:

[Roll No. 975]

AYES—412

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
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)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
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.
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)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
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)
Paulsen
Payne
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
Reichert
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.
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)
Smith (WA)
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
Tsongas
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)

NOES—12

Baldwin
Blumenauer
Conyers
Duncan
Flake
Hinchey
Kucinich
Lynch
McDermott
Moore (WI)
Paul
Stark

ANSWERED ''PRESENT''—4

Johnson, E. B.
Kilpatrick (MI)
Lee (CA)
Waters

NOT VOTING—6

Barrett (SC)
Clay
Deal (GA)
Murtha
Radanovich
Sanchez, Loretta

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1708

Mr. BLUMENAUER changed his vote from ''aye'' to ''no.''

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.

RECOGNIZING PHILIP RANDOLPH FOR HIS LIFELONG LEADERSHIP AND WORK TO END DISCRIMINATION

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and agreeing to the resolution, H. Res. 150.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 150.

The question was taken.

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

RECORDED VOTE

Mrs. HALVORSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 23, not voting 16, as follows:

[Roll No. 976]

AYES—395

Abercrombie
Ackerman
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
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
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
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
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
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 (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
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
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
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.
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—23

Aderholt
Akin
Broun (GA)
Burton (IN)
Campbell
Coffman (CO)
Conaway
Fleming
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Hensarling
Jordan (OH)
Kingston
Lamborn
McCarthy (CA)
Miller (FL)
Neugebauer
Poe (TX)
Rooney
Scalise
Shadegg
Westmoreland

NOT VOTING—16

Barrett (SC)
Burgess
Clay
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Forbes
Gohmert
King (IA)
Murtha
Pitts
Price (GA)
Radanovich
Sanchez, Loretta
Spratt
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1717

Messrs. McCARTHY of California, LAMBORN, COFFMAN of Colorado and ROONEY changed their vote from ''aye'' to ''no.''

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. TIAHRT. Madam Speaker, on rollcall No. 976 I was unavoidably detained. Had I been present, I would have voted "aye."

HUMAN RIGHTS ENFORCEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, S. 1472.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1472.

The question was taken.

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

RECORDED VOTE

Mr. TONKO. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 3, not voting 15, as follows:

[Roll No. 977]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
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
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
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
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)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
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)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
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)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
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)
Paulsen
Payne
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
Reichert
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.
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)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Tonko
Towns
Tsongas
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 (FL)

NOES—3

Broun (GA)
Paul
Young (AK)

NOT VOTING—15

Abercrombie
Barrett (SC)
Capito
Clay
Davis (CA)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Frank (MA)
King (IA)
Murtha
Radanovich
Sanchez, Loretta
Spratt
Titus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members now have 2 minutes remaining on the clock.

□ 1725

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE ATTORNEY GENERAL

Mr. CONYERS, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 111–378) on the resolution (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, which was referred to the House Calendar and ordered to be printed.

787 DREAMLINER'S FIRST SUCCESSFUL FLIGHT

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

Mr. DICKS. I want to inform my colleagues today that out in the great State of Washington, in RICK LARSEN's district, today the first 787 Dreamliner did its first successful flight.

This is one of the great airplanes built in the United States by the Boeing Company. I want you to know it was built without any launch aid. Not like the A330 that received $5.7 billion in launch aid, this plane was built the old-fashioned way: Boeing put the money in the pot and built the plane, and it flew today.

As we get into the discussion on tankers later this year, I just want to remind everybody that the A330 received $5.7 billion in subsidy. I think it's wrong. I think we need to go back to the World Trade Organization and make sure that they follow through and make sure that the Europeans stop subsidizing all these Airbus aircraft.

Boeing is a great company in the Pacific Northwest. I'm proud of the 787. There are over 900 orders. And it's a great airplane.

ANIMAL ANTIBIOTICS

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

Mr. MORAN of Kansas. Madam Speaker, there are those in Congress who want to restrict antibiotic use in animal agriculture. They overlook the good these drugs do to improve both animal and human health. If animal antibiotics are restricted to only treatment of already sick animals, animal disease and death can be expected to increase, while decreasing the abundance and safety of our food supply.

When Denmark banned antibiotics for growth promotion in pigs, animal deaths and disease rose, requiring the use of more drugs for therapeutic purposes. Meanwhile, there was no improvement in human health.

Potential increases in the occurrence of food-borne illnesses in the absence of animal antibiotics are another concern. An Ohio State University study found that pigs raised outdoors without antibiotics had more exposure to food-borne pathogens than those raised in confinement.

Use of animal antibiotics should be determined by a scientific, risk-benefit analysis, not an arbitrary ban devised by politicians.

□ 1730

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. DOGGETT. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor from H. Res. 648.

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

There was no objection.

IMMIGRATION REFORM

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

Mr. POLIS. Madam Speaker, our constituents across the ideological spectrum have told us that our immigration system is broken and it is our responsibility to fix it. Well, we in the United States Congress have taken the first step today with the introduction of a comprehensive immigration reform bill.

This bill would strengthen American families. This bill would stop the undermining of our laws by the presence of 12 million undocumented immigrants. This law will protect our borders. Immigration reform is good for business and good for workers.

Our constituents have made their opinions clear. They are tired of the lack of action in Washington, D.C.

I encourage my colleagues to join me in cosponsoring comprehensive immigration reform to help make America stronger and maintain the integrity of our laws and our Constitution within our borders.

READY MIXED CONCRETE COMPANY DEMONSTRATES ENVIRONMENTAL EXCELLENCE

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

Ms. FOXX. Madam Speaker, I rise today to recognize the Ready Mixed Concrete Company of Statesville, North Carolina, for its commitment to preserving our natural resources and the environment.

The Ready Mixed Cement Company of Statesville, along with the Ready Mixed Facility in Taylorsville, North Carolina, recently received the National Ready Mixed Concrete Association's Green-Star certification for its dedication to environmental excellence.

This accomplishment demonstrates how hard this company has worked to adapt its business practices to today's rapidly changing culture of sustainable business.

These efforts will not only protect the environment, but will also make the Ready Mixed Concrete Company of Statesville a better competitor and employer. That means more good jobs for the people of North Carolina, which is what we need most during these difficult economic times.

HUMANITARIAN SITUATION IN CAMP ASHRAF

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise to address what could develop into a humanitarian catastrophe in Iraq. Residents of Camp Ashraf, opponents of the Iranian regime who found a home in Iraq, appear to have been abandoned by the United States and other nations as they are subjected to unlawful seizure and detainment by Iraqi forces.

The Iraqi government must be called upon to respect the human rights of Ashraf residents and to honor its written commitment that it will treat all Ashraf residents humanely. The U.S. Government must ensure that the new democracy that we have helped prop up in Iraq does not forcibly return Ashraf residents to Iran, where they will face certain persecution, torture, and possibly even death. They must not be relocated to any country where they will be persecuted based upon their beliefs.

On a day when we have demonstrated here on the floor our support for the people and pro-democracy forces inside of Iran, let us not forget those in Camp Ashraf, Iraq.

EPA IS DESTROYING THE DEMOCRATIC PROCESS

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

Mr. TIAHRT. Madam Speaker, earlier last week, the EPA announced that carbon dioxide is a health hazard and a pollutant that should be regulated under the Clean Air Act. That means that you and I are polluting simply by breathing.

Make no mistake about it, the timing of this announcement was intentional. By issuing the ruling last week, the EPA is attempting to gloss over the inconvenient truth of thousands of emails by climate researchers revealing ways they manipulated or hid evidence that disproves their theories of climate change. Furthermore, the ruling is an attempt to avoid the fact that the American people are opposed to this job-killing cap-and-tax bill that has been stalled in the Senate. Inconveniently, that leaves negotiators in Copenhagen unable to broker a binding agreement.

The EPA is destroying the democratic process and rushing in to legislate where Congress refuses to tread. Will the American people support the administration's latest effort to regulate even more private companies out of business? I wouldn't hold my breath.

RECOGNIZING THE OUTSTANDING CAREER OF JERRY HAYES

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

Mr. GRIFFITH. Madam Speaker, I rise today to recognize the outstanding career of Jerry Hayes of Huntsville, Alabama.

In the Tennessee Valley, Jerry's decades of responsible journalism have earned him the respect and trust of hundreds of thousands of people. His 30 years at WHNT News 19 in north Alabama have brought inspiration and guidance to an untold number of aspiring journalists looking to begin their careers.

When he is not in the studio or at the scene of a story, Jerry is bettering the community around him. His work for Tennessee Valley children is near to my heart, and north Alabama parents owe him a debt of gratitude that is almost impossible to repay.

Each year, the National Academy of Television Arts and Sciences recognizes individuals who have made a meaningful contribution to broadcasting by inducting them into the Silver Circle. Jerry epitomizes the type of excellence that the academy looks for, and I congratulate him on this achievement.

Madam Speaker, I would like to thank Mr. Jerry Hayes for his 30 years of service to north Alabama. Our community would not be the same without his dedication to the families of the Tennessee Valley.

MAKING RESEARCH AND DEVELOPMENT TAX CREDIT PERMANENT

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

Mr. BOCCIERI. Madam Speaker, we will be judged by two measures in the United States Congress: action or inaction. I stand here before you today to tell you that we will recover from this economic recession. That is why bipartisan efforts by myself and Congressman CHRIS LEE have worked across the aisle to make research and development tax credits to companies permanent so that they can manufacture and produce and research their products right here in the United States.

Our legislation creates American jobs and helps companies innovate by giving them an incentive to research and develop right here in the United States. This tax credit is an investment in our Nation's manufacturers. By making research and development tax credits permanent, our bill takes critical steps to make the U.S. more competitive because our credit will be comparable to those offered by other countries.

We will recover, and we will be judged by action or inaction. We will recover from this recession by investments into our manufacturing base in this great country.

SPECIAL ORDERS

The SPEAKER pro tempore. 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 gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE PHONE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, I rise to speak about H.R. 1110, the PHONE Act, which stands for Preventing Harassment through Outbound Number Enforcement. It will be voted on tomorrow. This bill addresses the growing and serious problems of caller ID fraud that allows the caller to hide their true identity to obtain personal information for use in identity theft and scams.

Answering your phone is like answering your door, you're letting someone into your home and you need to know that whoever that person says they are is true. Caller ID was originally designed to give you that information so you could decide to answer your phone and have the confidence that you were not taking a call that is unwanted, unsafe, or unknown. That is why I worked across the aisle with Representative BOBBY SCOTT in introducing H.R. 1110, which was first introduced in the 109th Congress. Representative SCOTT took the lead in the 110th Congress, and now we are again working together in the 111th Congress to pass this very important bill. I thank Representative SCOTT for his leadership and teamwork in passing this public safety bill.

The legislation is aimed at preventing and prohibiting caller ID spoofing. Spoofing is made available with Internet services that will provide false numbers and even disguise your voice so you can easily fool the person on the other end of the phone. Criminals coax victims into giving up sensitive personal information by making it appear that a call is coming from a legitimate institution, such as a bank, doctor's office, government office, or even a family member.

Misleading caller ID information also allows the spoofer to cause a victim to accept a call they would otherwise avoid, leading to harassment. Even more serious potential dangers exist. A pedophile could stalk a child by stealing a school phone number or the phone number of a friend or child. A sexual predator could use a doctor's office phone number to call their victim.

The problems with caller ID spoofing are very real. Let me give you a few examples.

There are cases where criminals using stolen credit card numbers call a service such as Western Union. They program the caller ID to appear to originate from the cardholder's home and use the credit card number to order cash transfers.

Seniors have been misled into believing they missed jury duty. It appeared the local courthouse was calling and victims were asked for Social Security numbers to prevent prosecution. The calls seemed legitimate because the telephone number of the local courthouse showed up on caller ID.

In another example, a SWAT team surrounded a building after it appeared a call came from within stating that a woman was being held hostage when, in fact, the call was coming from another location. The SWAT team showed up expecting to face an armed perpetrator. Luckily, no one was hurt in this one instance, but one can easily imagine what could have happened if an unsuspecting bystander happened to be at that location; a series of misunderstandings could have ended up in tragedy. Unfortunately, this process called ''swatting'' has occurred dozens of times.

And just this month, there have been two serious cases of caller ID fraud in the news. In Columbia, Maryland, a teenager was arrested for making terrorist phone calls to his former school, calling in a bomb scare and telling school officials there was a student on campus with a gun. The teen used spoofing to make the phone number appear to be coming from Texas. Fortunately, the police were able to subpoena the phone records and arrest the teen.

In Brooklyn, New York, a woman used caller ID fraud to exact revenge on her husband and his pregnant girlfriend's newborn baby. She illegally obtained a prescription that would induce labor early and called the girlfriend, using spoofing, to make it appear that her obstetrician was calling. The woman, thinking she was under doctor's orders, took the medication and the baby was delivered 2 months premature. Police were able to track down the woman when she tried to deliver a poisonous mixture to the hospital disguised as milk, allegedly intending to kill the baby. The police arrested the woman, avoiding a devastating, tragic, and potentially fatal outcome that originated by using caller ID fraud. This could have been avoided if the caller had not used a fraudulent caller ID or if the police could have tracked down the perpetrator sooner.

This bill will make the act of caller ID fraud a felony, and criminals could see fines of up to $250,000 and jail time up to 5 years if convicted of using caller ID fraud in perpetrating another crime.

I urge all my colleagues to pass this PHONE Act, H.R. 1110, because criminals must know they cannot use this technology loophole to escape the law and cause further harm to our citizens.

AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Madam Speaker, I rise today with a number of my colleagues to express our continuing concern about the President's decision to escalate our military effort in Afghanistan by an additional 30,000 troops. Thirty thousand additional Americans put into harm's way in Afghanistan is a big deal, Madam Speaker, and I am concerned that the House of Representatives will be adjourning for the year without a real, meaningful, substantive debate about this important issue.

I happen to believe that increasing our military presence by 30,000 troops will make it 30,000 times harder to extricate ourselves from this mess. But whatever my colleagues believe about this decision—support, oppose, or noncommittal—we owe it to ourselves and to the people that we represent to have a thorough debate about our policy.

□ 1745

I would urge this administration to submit their supplemental request for this escalation sooner rather than later. Congress has a constitutional role to play. We have the power of the purse and the responsibility to declare war. We haven't played that role in any meaningful way since 2001. That was the last time that this Chamber had a debate on Afghanistan, 2001.

In those eight long years hundreds of American soldiers have lost their lives, thousands have been wounded, and we have spent hundreds of billions of dollars, and we still do not have a clear exit strategy. Everyone seems to agree that Afghanistan requires a political solution. The question I still have is this: When does our military commitment to that political solution come to an end so that we could bring our troops home?

In no way do I believe that we should abandon Afghanistan or its people. They have been through far too much trauma over the last several decades. Nor do I believe that we should abandon our fight against the people who murdered thousands of Americans on September 11, 2001.

Indeed, I am concerned that by committing over 100,000 American troops to nation building in Afghanistan, we will be less able to target those who attacked us, and that is al Qaeda, because al Qaeda no longer has a large presence in Afghanistan. Our top generals say that maybe there are 100 or less al Qaeda still in Afghanistan. They have moved to Pakistan.

I do not believe that the best, most effective way to fight al Qaeda is to increase our military footprint in Afghanistan. In Afghanistan we need a new strategy.

I would urge my colleagues to read a recent op ed in The New York Times by Nicholas Kristof. He points out that for the cost of one U.S. soldier deployed in Afghanistan, we could build 20 schools in Afghanistan. Let me repeat that. For the cost of one American soldier in Afghanistan for a year we could build 20 schools in Afghanistan.

Not only that, it seems that before the administration announced this new escalation, they failed to thoroughly consult with the elders and the local leaders and others in Afghanistan about the best way forward. Madam Speaker, without local support, without the support of the local leaders who have the respect of the Afghan people, nothing we do will work or be sustainable.

I also continue to be deeply troubled about the Karzai government. Today President Karzai is scheduled to convene a three-day conference on corruption. At a minimum, this conference is supposed to provide a forum where the Afghan government admits publicly that it runs on bribery, graft and cronyism which, in turn, fuels the Taliban insurgency.

President Karzai called this conference—not because he campaigned on cleaning up this government—but because of international pressure. He ran a fraudulent election that undermined international support for the war on Afghanistan, and this is an attempt to show the international community, and especially the United States, that he will somehow clean up his own house.

We will have to wait and see if it's more than just more talk, talk, talk. We will have to see if he is willing to kick out of office the very warlords, drug lords, family members, and cronies he appointed to high government positions, and if he does, whether he appoints reform-minded Afghans in their place.

Again, Madam Speaker, we are about to embark on another huge escalation in a very troubled part of the world.

Congress needs to debate this critical issue. Our men and women in uniform, and every other American we represent, deserve no less.

[From the New York Times, Dec. 3, 2009]

OP-ED COLUMNIST; JOHNSON, GORBACHEV, OBAMA

(By Nicholas D. Kristof)

Imagine you're a villager living in southern Afghanistan.

You're barely educated, proud of your region's history of stopping invaders and suspicious of outsiders. Like most of your fellow Pashtuns, you generally dislike the Taliban because many are overzealous, truculent nutcases.

Yet you are even more suspicious of the infidel American troops. You know of some villages where the Americans have helped build roads and been respectful of local elders and customs. On the other hand, you know of other villages where the infidel troops have invaded homes, shamed families by ogling women, or bombed wedding parties.

You're angry that your people, the Pashtuns, traditionally the dominant tribe of Afghanistan, seem to have been pushed aside in recent years, with American help. Moreover, the Afghan government has never been more corrupt. The Taliban may be incompetent, but at least they are pious Muslim Pashtuns and reasonably honest.

You were always uncomfortable with foreign troops in your land, but it wasn't so bad the first few years when there were only about 10,000 American soldiers in the entire country. Now, after President Obama's speech on Tuesday, there soon will be 100,000. That's three times as many as when the president took office, and 10 times as many as in 2003.

Hmmm. You still distrust the Taliban, but maybe they're right to warn about infidels occupying your land. Perhaps you'll give a goat to support your clansman who joined the local Taliban.

That's why so many people working in Afghanistan at the grass roots are watching the Obama escalation with a sinking feeling. President Lyndon Johnson doubled down on the Vietnam bet soon after he inherited the presidency, and Mikhail Gorbachev escalated the Soviet deployment that he inherited in Afghanistan soon after he took over the leadership of his country. They both inherited a mess—and made it worse and costlier.

As with the Americans in Vietnam, and Soviets in Afghanistan, we understate the risk of a nationalist backlash; somehow Mr. Obama has emerged as more enthusiastic about additional troops than even the corrupt Afghan government we are buttressing.

Gen. Stanley McChrystal warned in his report on the situation in Afghanistan that ''new resources are not the crux'' of the problem. Rather, he said, the key is a new approach that emphasizes winning hearts and minds: ''Our strategy cannot be focused on seizing terrain or destroying insurgent troops; our objective must be the population.''

So why wasn't the Afghan population more directly consulted?

''To me, what was most concerning is that there was never any consultation with the Afghan shura, the tribal elders,'' said Greg Mortenson, whose extraordinary work building schools in Pakistan and Afghanistan was chronicled in ''Three Cups of Tea'' and his new book, ''From Stones to Schools.'' ''It was all decided on the basis of congressmen and generals speaking up, with nobody consulting Afghan elders. One of the elders' messages is we don't need firepower, we need brainpower. They want schools, health facilities, but not necessarily more physical troops.''

For the cost of deploying one soldier for one year, it is possible to build about 20 schools.

Another program that is enjoying great success in undermining the Taliban is the National Solidarity Program, or N.S.P., which helps villages build projects that they choose—typically schools, clinics, irrigation projects, bridges. This is widely regarded as one of the most successful and least corrupt initiatives in Afghanistan.

''It's a terrific program,'' said George Rupp, the president of the International Rescue Committee. ''But it's underfunded. And it takes very little: for the cost of one U.S. soldier for a year, you could have the N.S.P. in 20 more villages.''

THE COOLING WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, we debate throughout the world the concept of global warming, but we don't call it that any more; we call it climate change. All the big leaders of the world are in Denmark talking about how they can figure out a way to control man, to make sure that man, the evildoer, the polluter of the world, does not continue to pollute our wonderful climate.

The consensus has been for some time that global warming, climate change, continues because man is the perpetrator. Now we are beginning to learn that may not be true, that there is not a consensus that there is global warming or climate change. We now have heard about Climategate, where the expert scientists hid emails in England that disagreed with the so-called consensus that there is global warming and global climate change. We have heard now new evidence that even NASA is involved in not revealing evidence that contradicts climate change.

I think a history lesson is in order, Madam Speaker, and I would like to read from a couple of well thought of, in the science community, a couple of magazine articles. One of them is under the Science section of Time magazine. It's dated June 24, but the year is 1974. The article begins with this comment, ''Another Ice Age?'' So much for global warming.

As they review the bizarre and unpredictable weather patterns of the past several years, a growing number of scientists are beginning to suspect that many seemingly contradictory events are occurring in global climate upheaval. The weather widely varies from place to place and time to time.

When meteorologists take an average of temperatures around the globe, they find that the atmosphere has been growing gradually cooler the last three decades and the trend shows no indication of reversing. Let me repeat that. According to scientists in 1974, the trend shows no indication of reversing the cooling trend.

Scientists are becoming increasingly apprehensive, for the weather aberrations they are studying may be the harbinger of another Ice Age.

If we were to live in 1974, and, you know, I actually lived in 1974, I read this article then, I believed it. I believe we were all going to freeze in the dark. It goes on to say that a part of the problem is man polluting the atmosphere with farming. Because man farms and the dust gets up into the air, that blocks the sun rays from coming to Earth, and that actually cools the Earth. Maybe that's another new idea of carbon emission cooling that was in 1974.

The following year that notable news magazine, Newsweek, April 28, 1975, under its Science section in the back, talks about the cooling world. There are ominous signs that the Earth's weather patterns have begun to change dramatically and that these changes may be bringing a drastic decline in food production throughout the world.

To scientists these dramatic incidents represent the advanced signs of a fundamental change in the world's whether. The central fact, you got that word, fact, is that after three-quarters of a century of extraordinarily mild conditions, the Earth's climate seems to be cooling down. And that's from Newsweek.

Here is a chart they put in their expert scientific article, and it's entitled—I think it's nice they put it in the ice-blue color—Newsweek, ''The Cooling World,'' and it shows that average temperatures are getting colder. Of course, it goes off the chart, colder and colder, April 28, 1978.

Like I said, Madam Speaker, I believed we were all going to freeze in the dark. The scientists told us that we were going to freeze in the dark because of the weather patterns. Climates do change, Madam Speaker. In the 1970s it was getting cooler. Now they say it's getting warmer. Now they just say it's climate change.

Climates do change. That's what seasons are. Most of the world up here in the north has seasons. Now, we don't have seasons in Houston. We have two seasons—we have summer, and we have August. Other than that, the seasons change. In most parts of the world they get warm, they get cold.

We are going to try to trust the world's climate predictions to a group of people from the 1970s and now, 2000, to a group of people who can't even predict correctly tomorrow's weather. You know, people in the weather industry are the only people I know who consistently can be wrong and keep their jobs. But yet, these same people who can't predict tomorrow's weather are trying to predict the weather from now on, that climate change is occurring because man is the culprit.

And that's just the way it is.

[From Newsweek, Apr. 28, 1975]

(By Peter Gwynne)

THE COOLING WORLD

There are ominous signs that the earth's weather patterns have begun to change dramatically and that these changes may have

drastic decline in food production—with serious political implications for just about every nation on earth. The drop in food output could begin quite soon, perhaps only ten years from now. The regions destined to feel its impact are the great wheat-producing lands of Canada and the U.S.S.R. in the north, along with a number of marginally self-sufficient tropical areas—parts of India, Pakistan, Bangladesh, Indochina and Indonesia—where the growing season is dependent upon the rains brought by the monsoon.

The evidence in support of these predictions has now begun to accumulate so massively that meteorologists are hard-pressed to keep up with it.

In England, farmers have seen their growing season decline by about two weeks since 1950, with a resultant over-all loss in grain production estimated at up to 100,000 tons annually. During the same time, the average temperature around the equator has risen by a fraction of a degree—a fraction that in some areas can mean drought and desolation. Last April, in the most devastating outbreak of tornadoes ever recorded, 148 twisters killed more than 300 people and caused half a billion dollars' worth of damage in thirteen U.S. states.

Trend: To scientists, these incidents represent the advance signs of fundamental changes in the world's weather. The central fact is that after three quarters of a century of extraordinarily mild conditions, the earth's climate seems to be cooling down. Meteorologists disagree about the cause and extent of the cooling trend, as well as over its specific impact on local weather conditions. But they are almost unanimous in the view that the trend will reduce agricultural productivity for the rest of the century. If the climatic change is as profound as some of the pessimists fear, the resulting famines could be catastrophic. ''A major climatic change would force economic and social adjustments on a worldwide scale,'' warns a recent report by the National Academy of Sciences, ''because the global patterns of food production and population that have evolved are implicitly dependent on the climate of the present century.''

A survey completed last year by Dr. Murray Mitchell of the National Oceanic and Atmospheric Administration reveals a drop of half a degree in average ground temperatures in the Northern Hemisphere between 1945 and 1968. According to George Kukla of Columbia University, satellite photos indicated a sudden, large increase in Northern Hemisphere snow cover in the winter of 1971–72. And a study released last month by two NOAA scientists notes that the amount of sunshine reaching the ground in the continental U.S. diminished by 1.3 percent between 1964 and 1972.

To the layman, the relatively small changes in temperature and sunshine can be highly misleading. Reid Bryson of the University of Wisconsin points out that the earth's average temperature during the great Ice Ages was only about 7 degrees lower than during its warmest eras—and that the present decline has taken the planet about a sixth of the way toward the Ice Age average. Others regard the cooling as a reversion to the ''little ice age'' conditions that brought bitter winters to much of Europe and northern America between 1600 and 1900—years when the Thames used to freeze so solidly that Londoners roasted oxen on the ice and when iceboats sailed the Hudson River almost as far south as New York City.

Just what causes the onset of major and minor ice ages remains a mystery. ''Our knowledge of the mechanisms of climat- ic change is at least as fragmentary as our data,'' concedes the National Academy of Sciences report ''Not only are the basic scientific questions largely unanswered, but in many cases we do not yet know enough to pose the key questions.''

Extremes: Meteorologists think that they can forecast the short-term results of the return to the norm of the last century. They begin by noting the slight drop in over-all temperature that produces large numbers of pressure centers in the atmosphere. These break up the smooth flow of westerly, winds over temperate areas. The stagnant air produced in this way causes an increase in extremes of local weather such as droughts, floods, extended dry spells, long freezes, delayed monsoons and even local temperature increases—all of which have a direct impact on food supplies.

''The world's food-producing system,'' warns Dr. James D. McQuigg of NOAA's Center for Climatic and Environmental Assessment, ''is much more sensitive to the weather variable than it was even five years ago.'' Furthermore, the growth of world population and creation of new national boundaries make it impossible for starving peoples to migrate from their devastated fields, as they did during past famines.

Climatologists are pessimistic that political leaders will take any positive action to compensate for the climatic change, or even to allay its effects. They concede that some of the more spectacular solutions proposed, such as melting the arctic ice cap by covering it with black soot or diverting arctic rivers, might create problems far greater than those they solve. But the scientist see few signs that government leaders anywhere are even prepared to take the simple measures of stockpiling food or of introducing the variables of climatic uncertainty into economic projections of future food supplies. The longer the planners delay, the more difficult will they find it to cope with climatic change once the results become grim reality.

IN MEMORY OF DR. JOHN SHEARER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, I rise today to fondly honor my friend, Dr. John Shearer, who passed away on November 18, 2009, at the age of 77 in Petaluma, California.

Publicly, John was a powerful advocate for children's health care and health care reform. He preferred a single-payer system and privately he was a kind, selfless man of great integrity.

As a physician, he was expert, compassionate, and gentle, the kind of doctor you would want to have care for your sick child. I should know, because John Shearer was our family doctor, and my family adored him.

A native of Kokomo, Indiana, John moved with his family to Detroit and originally trained as a pharmacist. Then he earned his medical degree from Wayne State University in 1962.

John moved his wife and his children to Petaluma in 1964, where he started El Rose Medical Clinic with three other doctors. His son, David Shearer, recalls that his father made a lot of house calls with his black doctor's bag in the early years of his practice. In those days, you see, there were no OB–GYNs, so he delivered hundreds of babies in Petaluma.

Dr. Shearer was very active in community and social issues. He was involved in Physicians for Social Responsibility, an organization dedicated to preventing nuclear war and proliferation, and halting global warming and toxic deprivation of the environment. In 1972, he was a part of a grassroots Save Our Schools, or SOS, that I also worked on with him in Petaluma to raise money to keep Grant Elementary School, which was located in Petaluma, open when it was threatened with closure.

In the 1980s, he was the head of Physicians for Social Responsibility in the North Bay. He also began the Children's Health Initiative to ensure that all uninsured children in Sonoma County would have health care.

Dr. Shearer served as medical director of the Jewish Community Free Clinic in Cotati and Rohnert Park. He was the chief of the medical staff at Hillcrest Hospital from 1974 to 1975, and president of the Petaluma Valley Hospital medical staff from 1986 to 1987.

He also served as chairman of the Petaluma Valley Hospital ethics committee for many years. He served as president of the California Physicians' Alliance, an organization of physicians advocating for single-payer national health insurance.

John is survived by his wife, Donna Brasset Shearer of Petaluma; his son, David Shearer of Gig Harbor, Washington; his daughter, Annette Moussa of Petaluma; and two grandchildren.

Madam Speaker, even as John Shearer was a tender man with impeccable manners, he was a bold and fearless activist for justice and health care. He did not hesitate to advocate for a single-payer system among his physician peer group. He was a prince of a man who was loved and respected by many and will be genuinely missed.

John, I thank you for your friendship, your counsel, and for making my family feel like they were part of yours.

REAL THREAT OF NUCLEAR IRAN

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, over the past several years, I have worked hard to remind my colleagues in Congress and the Americans that they represent of a real threat of a nuclear Iran. The Obama administration has been engaged in discussions with Iran during the last several months.

As many of us expected, the President's open hand to Tehran was met with a clinched fist. Despite international efforts to negotiate with Iran, Iranian leaders continue to be devious and defiant. Enough; now is the time for Congress to act. Fortunately today the House of Representatives did.

Iran already possesses enough nuclear fuel to build two nuclear weapons. Even while negotiations were taking place, Iran continued to enrich uranium in defiance of five United Nations Security Council resolutions, increasing its supply of uranium and becoming more and more dangerous each and every day.

While there are many domestic issues that demand the attention of us in Congress, we must not forget an Iranian call for a world without a United States or an Israel. A nuclear-armed Iran threatens the safety of American troops in the region. It is a threat to Israel's existence, emboldens terrorist groups Hamas and Hezbollah and leads to a perilous nuclear arms race in the Middle East.

These are all things we cannot accept and must not tolerate.

□ 1800

Passage of the Iran Refined Petroleum Sanctions Act takes an important step to counter the Iranian threat to our national security and to that of our strong democratic ally Israel.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 5 minutes.

(Ms. EDWARDS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Madam Speaker, President Obama is certainly to be commended for the thoughtful and thorough consideration that he has given to our alternatives in Afghanistan. In essence, given the mess that he was bequeathed there, he was asked to choose the least bad alternative.

My personal belief is that a good man made the wrong choice. But I think it is incumbent on this Congress to do as our President did and give thoughtful and thorough consideration of what our alternatives are there and whether there is a better way than dispatching another 30,000 American troops to Afghanistan to assure the security of our families.

We have had now almost a decade without a debate of Afghanistan policy in this Congress. I believe we must take a hard look at how hundreds of billions of taxpayer dollars and thousands of the lives of young Americans are being put on the line in Afghanistan and ask if this is the most effective way to defeat terrorism.

Some were, of course, pleased that the President indicated in his speech that July 2011, a period of a little more than a year and a half, would mark a point in this long war at which we would see the beginning of the end of the war and some of the troops that were being dispatched there would begin to return home.

Almost as soon as the speech ended, administration officials began to explain that deadline away. First we learned that not all the troops would get there until the fall of next year. They're not going for the weekend or a 2-week stay or a stay of less than a year. And then Secretary Gates made clear in interviews the nature of this July 2011 deadline. He said that at the time of July 2011, some ''handful,'' in his words, or some small number or whatever the conditions permit might be departing Afghanistan at that time but that we would, in his words, ''have a significant number of forces there for some considerable period of time.'' It was only a few days after that that Afghan President Hamid Karzai indicated just how long that commitment might have to be when he announced that ''for another 15 to 20 years Afghanistan will not be able to sustain a force of that nature and capability with its own resources.''

We are talking about a very extended commitment of more and more American troops and more and more American dollars, ironically, at a time that some of our allies who've been in Afghanistan, like the Canadians, like the Dutch, are making plans to withdraw their troops as our troops enter the country.

I have heard from not a few constituents expressing their concern about this decision to escalate the war in Afghanistan. Whether we agree or disagree on whether this is the best approach, we all agree that our objective is to work together to keep our families safer. One person to whom I presented the Veteran of the Year award just last month in Bastrop, Texas, Retired Colonel Bill Stanberry, twice awarded the Legion of Merit and inducted into the Infantry Officers Hall of Fame, offered this observation:

''There is no sign or promise of a viable leadership in the government in Afghanistan, an ingredient that is absolutely essential to the success of the program. We are allowing our adversaries to determine the kind of wars we fight and how we fight them. We need to find ways to exploit our strengths and not be lured into battles of war where our substantially weaker adversaries have the advantage by dictating how we fight.''

Our strategic choices in Afghanistan, I believe, are not narrowly limited to either escalating rapidly, as the President has proposed, or departing immediately, but they include more effective ways of using the resources that we have already committed to accomplish our original objectives. And apparently, our Ambassador in Afghanistan, former Lieutenant-General Karl Eikenberry, had some of the same concerns that I do. It is widely reported that he sent at least two classified cables to Washington before the announcement expressing deep concerns about sending more U.S. troops to Afghanistan without a meaningful demonstration by President Karzai, who just had stolen a million votes to stay in power, that his government would be able to tackle corruption and mismanagement that has fueled the Taliban's rise in strength.

We went to take out al Qaeda, not to change it into Switzerland. Let's keep that commitment and do it in the most cost-effective way.

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.)

CUBA

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, just last week we observed another Human Rights Day without freedom in Cuba.

As to be expected, the regime had its thugs out in full force to harass and attack all who dared to walk the streets in support of this important day and what it represents to the world community. For 2 days, the members of the peaceful Ladies in White group were pursued and harassed by agents of the regime. Marches and peaceful demonstrations in support of human rights and fundamental freedoms came to an abrupt end as state security forces rounded up, detained, and brutally attacked some of the participants.

Yusnaimi Jorge Soca, wife of Dr. Darsi Ferrer, was one of the many apprehended by the secret police on her way to one of the planned marches at the Villalon Park in Havana. Dr. Ferrer is an Afro-Cuban civil rights leader currently imprisoned by the dictatorship. His alleged crime? ''Illegally'' purchasing materials to repair damages to his home. The truth? Dr. Ferrer has worked tirelessly to expose the reality of Castro's apartheid health care system and the abysmal disregard for fundamental freedom and human rights. Yusnaimi was threatened on this Human Rights Day by the Cuban dictatorship, as well as her husband, in an attempt to intimidate them into submission and silence.

Those seeking freedom in Cuba, however, have shown time and time again that they will not waver in the face of repression.

The Castro tyranny does not limit the application of its repressive tactics to the oppressed Cuban people, however. For example, Chris Stimpson, Second Secretary of the British Embassy, was also pursued and chased away by the regime's mob apparatus on Thursday. And on Friday, an American

citizen was detained, likely in response to U.S. efforts to support the inalienable rights of the Cuban people. We are hopeful, Madam Speaker, for his immediate and safe return home soon.

For the people of Cuba, every day is a desperate struggle to maintain a glimmer of hope for a brighter future. Hundreds and hundreds remain behind bars due to their refusal to give up on that brighter future. We must never lose sight of the plight of those living under this dictatorial regime. We must also not turn our backs on these individuals by cutting deals with their oppressors. We must not put principle over profit, security before popularity. Though the Castro tyranny may try to convince the world otherwise, it will never miss an opportunity to tighten its iron grip on liberty.

It is time that the cruel veil of hypocrisy be lifted. The Cuban people are no less worthy of freedom and human rights than any other oppressed population. Nations and organizations and leaders worldwide, they do not hesitate to denounce the genocidal regime in Sudan, and I agree with them, or the brutal military junta in Burma, and I agree with them. However, they remain silent, and I don't agree with them, when it comes to the cries of those dying in Castro's jails because they seek freedom and democracy for their Cuban nation. How much more must the Cuban people suffer before the world acts decisively against this cruel regime and its communist leaders?

Those who ignore the struggles of the Cuban people serve as willing accomplices to their brutal oppressors. As Cuban dissident Dr. Ferrer said in his jail cell in his call for all Cubans to peacefully commemorate Human Rights Day: ''Governments, institutions, organizations, and human beings in general have an obligation to promote respect for fundamental rights and freedoms as well as ensure the recognition and universal and effective application.''

Dr. Ferrer continued: ''Our appeal will be for the recognition in every corner of the Earth for the inherent dignity and equal and inalienable rights of all members of the human family.''

Today, Madam Speaker, let us renew our commitment to bring the light of freedom to those living in the darkness of oppression, wherever that darkness is. Today, let us make clear that we will not stand for another Human Rights Day without freedom in Cuba.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

(Mr. NADLER of New York addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TARP AND THE WALL STREET BANKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this week President Obama held yet another White House meeting to jawbone Wall Street bankers.

Just a few months ago, in September, he traveled to New York to speak with them. Most of them didn't even have the courtesy to show up at Federal Hall. Then last week his Treasury Secretary called again on Wall Street's big banks to work out mortgage loans for the over 6 million Americans who have fallen into foreclosure since 2007. Wall Street didn't do it. They're just laughing all the way to the bank. They'll pocket over $140 billion in bonuses this year for themselves.

Yesterday, the President vowed to recover every last dime of taxpayer money that was bestowed on these giants, which now control 40 percent of deposits in our country. Five banks, 40 percent of the deposits. But you know it's important to ask the President which taxpayer money is he talking about. Just the TARP money? That would be about half a trillion dollars. But that figure does not include the hundreds and hundreds of billions of dollars doled out by the Federal Reserve, which is not a Federal agency, right to the big banks.

What about all the damage those giants continue to do to our mortgage markets and property values despite what they've been given? How do we get all that money back? The big banks aren't doing mortgage workouts of any significance despite the President, despite his Secretary of the Treasury, despite those bills that Congress passed. Surely you've noticed the big banks tiptoeing through those mortgage tulips all over the country quite adeptly.

What about all the smaller banks they've driven out of business? Do those investors get the same deal as Wall Street?

What about the community bond ratings that have dropped across our country? How do we get that money back for our communities?

What about all the Americans who have lost pensions and 401(k) plans? How do they get their money back?

What about all the unemployment? What about the cost of that and food stamps and health care for those who have been hit hard by the economy Wall Street brought us? How do they get their money back?

The President is looking through too narrow a keyhole. What the White House advisers fail to admit is that their approach isn't working. The TARP should never have been passed by Congress. It protected the wrongdoers, and now the Treasury Secretary just extended it for another year.

TARP turns the banking system into a political chessboard by putting the Department of the Treasury into the driver's seat picking winners and losers, rather than using the independent financial regulatory agencies, as has always been done throughout our country. If you've got the wrong regulators, replace them, but be independent about it.

So the entire credit system of our country remains frozen up as TARP and Wall Street have sucked dry the confidence of prudent banks in our credit system. Meanwhile, the value of your home is dropping. Inflation is rearing its ugly head, today announced a 1.8 percent inflation increase, double what it was anticipated and the biggest increase in a year. And why wouldn't it rise, as the fundamentals are all out of whack?

□ 1815

When TARP passed, the Bush administration said it would save America from depression, but then the Dow fell over 2,000 points from October 1 to March 9 of this year. Our Nation fell into a depression anyway, and now 27 million Americans are either out of work or are working part-time jobs when they want full-time jobs. The trouble is, when you don't fix something right in the first place, the problem only worsens. Here is what should have happened instead of TARP.

In order to not bankrupt our country, the SEC should have reimposed regulations on short-sellers, and it should have suspended mark-to-market accounting using fair value. The FDIC should have declared a financial emergency and proclaimed all depositors and creditors of banks protected if those banks failed, and it should have used its emergency power to restore capital in banks. That wasn't done in time. Even now, we need to separate prudent banking from speculation, and we need to restore and to strengthen normal banking regulation, and not depend on the overly politicized Treasury Department to pick winners and losers.

Yes, we have to increase capital reserve and liquidity requirements to eliminate pro-cyclical rules, and we have to strengthen the SEC and increase congressional oversight with the Financial Accounting Standards Board while strengthening the FDIC.

I have some other bills, including recouping the over $140 billion in bonuses that Wall Street will take this year. I have another bill to authorize the Department of Justice, the FBI, and the SEC to be fully funded, with investigators to uncover and prosecute the white collar criminals responsible for this fraud. I have another bill to reform the Federal Reserve system and to give each region in the country an equal voice so that the New York Fed doesn't overwhelm the rest of the country.

Madam Speaker, America needs more than rhetorical flourishes from this administration or from the last to restore sanity to our financial markets. It is time to take the political manipulation out of banking regulation in our country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WESTERN RESOLVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCCLINTOCK) is recognized for 5 minutes.

Mr. MCCLINTOCK. Madam Speaker, I rise to applaud the passage today of H.R. 2194, the Iran Refined Petroleum Sanctions Act of 2009.

Iran's regime has consistently lied to the world over its nuclear ambitions. Yesterday's revelation that Iran has been working on nuclear bomb detonators should convince even the most naive officials within our government of Iran's ultimate intention.

I do not believe that petroleum sanctions alone will dissuade the Iranian regime from its obvious intention to acquire nuclear weapons, or from its stated goal of wiping Israel off the map, or from its unremitting hostility toward our own country; but I do believe that it will send a vital message of growing Western resolve at a critical moment in world history.

Iran should interpret the House action today as an overwhelming expression of American commitment that spans the wide spectrum of political views within our Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA'S NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. WELCH) is recognized for 5 minutes.

Mr. WELCH. Madam Speaker, I want to address the question of Afghanistan.

The President was confronted with a very serious and difficult decision. The decision that he made, as America knows, is to increase troop strength by 30,000 troops and to also seek the support for an additional 10,000 troops from allies. The question which really confronts America as well as the President is this:

What is the best strategy to protect our homeland from another attack that would be perpetrated by and inspired by al Qaeda?

The question is also whether having a military force of occupation of now 100,000 troops, or soon to be 100,000 troops, from the United States of America in Afghanistan and doing nation-building is a sustainable strategy that will be the one that can protect America from a future attack. I believe that it is not, and there are a couple of reasons.

First of all, as we know, al Qaeda goes where our military is not. There are presently, according to General Jones, 100 al Qaeda in Afghanistan and about 500 in Pakistan. Al Qaeda moves to areas of opportunity. It is not just there. It's in Yemen. It's in Somalia. It's in other parts of the world.

Also, as we know, the Internet is a tool, and some of the folks who have been plotting and planning to do destructive conduct and to hurt our American people live in the United States and in other parts of the world. It is not a threat that is confined to Afghanistan. It is a decentralized threat.

So where you have a threat which, by definition, is decentralized and not from a nation state, does it make sense to deploy the vast majority of our troops, 100,000, and the vast majority of our resources, $1 trillion minimum over the next 10 years, to a single country and to then take on the goal of nation-building, of institution building, in Afghanistan? I believe it does not. It is not an effective strategy that is sustainable militarily. It is not an effective strategy that is sustainable financially.

Secondly, the effect of a decision to nation-build in Afghanistan is that, by definition, our military and our government need a functional partner no matter what the shortcomings of that partner may be—hence, the embrace of the Karzai administration, which is, despite the fact that it is losing credibility among its own people, and despite the fact that the election was not only deeply flawed but it is documented that the Karzai Government stole 1 million votes in order to stay in power.

The more work that we do which requires us to line up, to cooperate, to conciliate, and to protect a Karzai Government that does not have the support of its people—and every day that we do that—it undercuts the support and the definition of the mission of the American soldier in Afghanistan.

As is well-known, a major problem is Pakistan. What we have seen is that we now have to have a significant alliance with the Pakistani military as the only institution that can provide some measure of security in Pakistan. Because they control the nuclear weapons, this is obviously of great importance to the American people, but the Pakistani military is notable for two things:

Number one, it has been an adversary of democratic development in Pakistan, something which is essential to build economic well-being in a country that is absolutely destitute, impoverished and getting poorer.

Number two, the Pakistani military, as reported in The New York Times as recently as today, made it clear that, however urgent it is for the United States to take out the Hakani network, which is in the tribal areas and is crossing into Afghanistan on a regular basis to attack our troops, the Pakistani military regards the Hakani network as its ally in geopolitics in the Afghanistan region. So it will not do what needs to be done to protect the American military and American security, and that is to attack the Hakani network—the Afghanistan Taliban. In fact, it has made it explicit that it sees the Hakani network as its ally to keep India at bay.

So what we have is a strategy that depends on nation-building, which has very doubtful prospects of success in an alliance with two ''friends'' who aren't there to help us.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BREAST CANCER AWARENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROYCE) is recognized for 5 minutes.

Mr. ROYCE. Madam Speaker, more than 190,000 women will be diagnosed with breast cancer in the United States this year, and more than 40,000 will die. In the last 20 years, there have been declines in the breast cancer mortality rate, and those declines are attributed to increases in early detection and improvements in breast cancer treatment.

Today, when breast cancer is found before it spreads, the 5-year relative survival rate is 98 percent, but that rate will decline to 84 percent for regional disease and to 23 percent when cancer has metastasized, or has spread, to other parts of the body.

In November, the U.S. Preventive Services Task Force released new guidelines for screening mammography. These changes have again reignited the controversy over mammography screening—a debate that has remained for a number years.

However, it is important for us to remember that the Susan G. Komen for the Cure organization agreed that mammograms save lives in women 40 to 49 as well as in women over 50. Additionally, while the USPSTF has chosen to make revisions in its guidelines for screening, patient advocates and professional organizations, not just the Susan G. Komen for the Cure but also the American Cancer Society, the American College of Obstetricians and Gynecology, and the American Society of Clinical Oncology, have reviewed the same evidence and have continued to recommend annual screenings beginning at age 40 for women of average risk and earlier for women with known risks of breast cancer.

Our real focus should be on the fact that one-third of the women, some 23

million, who qualify for screening under today's guidelines are not being screened. They are not being screened due to a lack of education, of awareness, or access. That issue needs focus and attention. If we can make progress with screening in susceptible populations, we can make more progress in the fight against breast cancer.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. POLIS) is recognized for 5 minutes.

(Mr. POLIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE GREAT SEAL OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Madam Speaker, I invite you and everyone within the sound of my voice tonight—all Americans—to reach into your pockets. Take out a dollar bill. Turn it around. On the back, you will see the Great Seal of the United States.

Our Founding Fathers had very few ways to communicate with us. They lived before the time of television. They lived before the time of radio. They lived before the time of photography, so they communicate to us through the Constitution. They communicate to us through the Declaration of Independence, through the Federalist Papers, through letters that they wrote, and only one image—and that image is this image—the image on our dollar bill, the image of the Great Seal of the United States.

I invite you to take a close look at it. I have one right here. The one in my pocket is in black and white—or green and white, if you will. The one here is in color. Take a look at it, and you will see the American eagle. You will see that the American eagle is holding arrows on the right, in its claw, and an olive branch on the left. This had deep symbolism to our Founding Fathers. This seal was adopted before the Constitution, itself, was ratified.

The gentleman who had to explain and to support the adoption of this symbol as our country's Great Seal said that he had the eagle holding arrows and an olive branch to symbolize war and peace. Specifically, what he said was, with regard to that olive branch, he wanted to illustrate the power of peace. He said, ''the power of peace,'' which is not a phrase we hear very often. We hear a great deal of the power of war, but we don't hear much about the power of peace.

You will note that the eagle is not looking toward the arrows. That eagle is looking toward the olive branch. The reason the American eagle was placed by our Founding Fathers with an eye on that olive branch was that they always wanted America to be looking for peace.

I'm sad to say that we have forgotten that, this message from our Founding Fathers from over 200 years ago. We've forgotten that, but it's still here in our pockets today and on our dollar bill to remind us that the Founding Fathers wanted us to be looking not for war but for peace.

What is that power that peace has? The power that peace has is the power to educate your children, the power to maintain your own health and the health of other citizens, and the power to build roads, hospitals, and bridges. The power of war is the power to destroy all of that.

□ 1830

That is why our Founding Fathers warned us against foreign entanglements and why our Founding Fathers reminded us in the Great Seal to be looking all the time to peace and not to war. The things that we do now for the past 8 years are things that are unprecedented anywhere else in the world. The English stopped occupying other countries in the fifties, half a century ago. The French stopped doing it in the sixties. The Portuguese stopped doing it in the seventies. The Soviet Union stopped doing it in the nineties, too late to save the Soviet Union. And to a large degree the destruction of the Soviet Union came from a disrespect for the power of peace and a worship of the power of war. Let's hope that we recognize that mistake and let's hope that we don't repeat it in Iraq and in Afghanistan, wherever the next war might be.

In Washington, D.C., you hear much discussion of leadership. Everyone wants to claim that mantle. I'm a leader, he's a leader, she's a leader. Everybody claims to be a leader. Well, there is a kind of leadership that we need right now very badly, and that is the leadership that looks just a little bit ahead into the future, recognizes what's inevitable and tries to make it come sooner. I have no doubt in my mind that one day the war in Afghanistan will be over. I have no doubt in my mind that one day the war in Iraq will be over. The question is, when?

We are the strongest country on earth, the strongest country that the earth has ever seen. We end a war when we decide to end a war, and I submit to you that that time has come. There is no force on earth that will make us end the war. We have to do it now. We have to fight for the power of peace.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

AMERICA IN AFGHANISTAN: QUESTIONS TO CONSIDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Madam Speaker, today Members received another classified briefing on our policy in Afghanistan, a briefing that raised a number of questions that need answers before our country commits further troops and resources to that conflict. These are not loaded questions or simply rhetorical, they are real questions—and just some of the real questions—that people in central New Jersey are asking.

Would this proposed troop increase bring us closer to capturing or killing those responsible for the 9/11 attacks? If the al Qaeda remnant Americans are seeking to capture or kill is on the Pakistani side of the border, or in Yemen or East Africa, how will sending more troops to, say, southern Helmand Province in Afghanistan help us to get those terrorists who attacked us on September 11 or might attack us in the future? Should we send troops to where al Qaeda isn't? Should we expand our aerial strikes? Would an escalation in air attacks do more harm than good? Is our intelligence apparatus structured and capable of giving our military and political leaders the intelligence they need to wage this war? Given our lack of foreign language capabilities, can we really know what's going on in the towns and farms and villages? Does the deterioration in the military and political situation in recent years in Afghanistan result from actions Americans have taken or failed to take? If so, how do we avoid those problems in a surged military action? What constitutes victory or success in this conflict? What is it that we hope to leave behind once we exit Afghanistan? What can we reasonably hope to leave behind?

Is the Afghan Government a viable partner? Is it viewed as legitimate by the Afghan people? Does the government and do the people have the same dedication to human rights, education and public welfare that we do? If so, how will our military troops bring improvements in those areas? Do the Afghan people have the same revulsion to official corruption that Americans do? Can the Afghan security forces be expanded as quickly as claimed? Is President Karzai correct that he needs extensive military U.S. security assistance for 15 or 20 more years? Will such assistance require the use of many private security contractors? If so, what will such a reliance on contractors cost the American taxpayer? If contractors are employed extensively in Afghanistan, do the State and Defense Departments have sufficient oversight mechanisms to ensure those contractors operate more legally and ethically than they have in, for example, Iraq? What lessons from Afghanistan's history can

we learn about the population's reaction to the long-term presence of foreign troops on their soil? Could Afghanistan degenerate into a civil war along ethnic and religious lines, as happened in Iraq?

Is the Government of Pakistan a viable partner? Are they serious about helping us? Are elements of their military and security services still supporting the Afghan Taliban who are attacking our troops? What if President Zadari is overthrown, as has happened with previous leaders?

Will our allies actually provide the troops the President is requesting? And if they commit 10,000 troops and we have 90,000 troops, will it be seen as an international effort or an American war? If European countries' troop casualties rise sharply next year, will those nations pull out of Afghanistan and leave our troops to bear the future burden?

Should we pay for the war openly and up front? Or should we commit troops and consider how to pay later? How would we pay for such an escalation, including the long-term costs of caring for our wounded veterans? Is the Department of Veterans Affairs hiring enough psychological counselors to treat the number of veterans who need counseling and treatment for posttraumatic stress disorder? Do we even know how to treat PTSD of veterans who have endured two, three or more combat tours? What should we make of the fact that the estimated $100 billion we'll spend on the war each year is equal to the cost of the health reform bill each year that we are debating now?

Are there alternatives to the President's approach that Congress and the Nation should explore? What is truly the best way to secure our country against future terrorist attacks? Are we putting the right emphasis on a military approach to counterterrorism policy? When extremists can transmit their ideology and recruit terrorists over the Internet and via extremist madrassas and youth groups, are we fighting on the right battlefield in Afghanistan? Are we doing enough at home to prevent future tragedies like the one that occurred at Fort Hood?

Fulfilling our constitutional obligations regarding matters of war and peace requires that Congress get answers to these questions and many more, and help the American people get these answers.

THE PLIGHT OF IRANIAN DISSIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join my colleagues as a member of the Subcommittee on the Mideast and South Asia on the House Foreign Affairs Committee. Today our committee debated a very important initiative dealing with Iran sanctions. But it is interesting that we find ourselves in one domino effect after another: Iran, Iraq, and then, by extension, Afghanistan and Pakistan.

Today I rise with a plea to this government and to the State Department to save those who are now huddled at Camp Ashraf in Iraq; this government that we have propped up, that we have seen thousands of our treasure lost in Iraq so that we could have a democratic government, so that it would have its own boundaries and its own sovereignty, so it would not be governed and be a puppet of some other country. But yet Iranian dissidents are now huddled, fearful for their lives. In fact, Assistant Secretary of State Jeffrey Feldman said, We're actually more concerned about an Iraqi desire to move Camp Ashraf to someplace else inside Iraq. The expectation is that they would try to forcibly move them to a different location in Iraq and that, too, would lead to bloodshed.

Iraqi authorities under Amnesty International says it must not forcibly relocate 3,400 Iranian opponents and that forced removals of the residents of Camp Ashraf would put them at risk of arbitrary arrest, torture or other forms of ill treatment and unlawful killing.

I've met with Iranians, their families, many of whom are in this camp, a niece, a mother, a brother, and they have no relief. They have no refuge but us. And so it is crucial that we intervene with the present Iraqi Government, seemingly sometimes a puppet of Iran, to not in any way cause the bloodshed and the loss of these dear souls.

All they wanted to do is to be in freedom. Yes, they have disagreement with the present government, but they are refugees in the world order; in the world sense they are refugees, fleeing oppression. And let me tell you where Iraq wants to send these huddled few thousand who simply want to be left alone, who have already been under the eye of the storm, who have seen loved ones lost, bloodshed inside the camp.

And where do they want to send them? To the east of this area is Al Busayyah and to the west is Al Shabaka, the resting place for tribes and migrants who live in the Iraqi desert. Moving sand hills, which in the summer reach temperatures of 158 Fahrenheit under the heat of the sun, prevent growth of plants and creation of waterways and toilets for the migrant tribes. Some of the small and large wild trees which cover a small part of the area are desperate to survive during sandstorms and the relocation of moving sand hills. Many of them have been trapped under the moving sand hills while many others, despite having deep roots, are taken in the sandstorm to locations dozens of kilometers away. This is where the members of Camp Ashraf will be sent—a vast desert of death.

And so it is imperative that this government that we have propped up, that we have sent our soldiers to die for, don't have the authority to kill 4,000 Iranian dissidents who simply want to live in peace and alone. I hope that we can reach our government to provide safe solace for them, which is one of the reasons that I supported H.R. 2194, the Iran Refined Petroleum Sanctions, which deals with the question of who might attempt to supply refined gasoline to Iran or prevent them with the materials to enhance their oil refineries. This is to make a firm stance against Iran's nuclear proliferation, but it is also a stance against its human rights abuses and its penetration in countries around its area, including Iraq, where they cannot seem to be independent enough, that is, the Iraqi Government, that they would do the bidding of the Iranian despotic government and try to move these innocent persons—women, men and children—to a place where they will surely die.

I am grateful in the language that was submitted in this bill, H.R. 2194, that my language was kept that had to do with concerns of human rights in Iran and that this was put in the findings. It is important that we acknowledge that throughout 2009, the Government of Iran has persistently violated the rights of its citizens. Again I believe it is important for the United States to support the dissidents inside Iran who continuously charge the government with an irregular and illegal election. I hope that we can move forward in saving these lives.

Madam Speaker, as I close on Pakistan and Afghanistan, Pakistan is an ally to the United States in trying to bring peace to Afghanistan.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FRESHMEN REPUBLICAN HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 60 minutes as the designee of the minority leader.

Mrs. LUMMIS. Thank you, Madam Speaker.

This evening's Speaker is a fellow freshman and it is an honor to serve with you, Madam Speaker. Thank you for your time this evening as we proceed into Hanukkah and the Christmas season.

We are as freshman Republicans going to spend some time with you reviewing the episodes of the last 12 months: Where are we in terms of America's fiscal house? Where have we been in the last 12 months? And, more importantly, where are we going as we prepare for the new year 2010?

I am joined this evening by my colleague, LEONARD LANCE of New Jersey, and we will be joined by other freshman Republican colleagues throughout the next 60 minutes. We look forward to this opportunity to cover these subjects with you this evening.

We began our freshman year by approving a $350 billion TARP extension without accounting for the first half of the TARP.

□ 1845

We then moved into a $787 billion stimulus package; $1.1 trillion, if you include interest. And STEVE AUSTRIA, our colleague, will be discussing this evening how that and other bills were shaped by the fact that they were done without the kind of transparency that we expected to see when we came here and which our new President campaigned on.

We then moved into a $410 billion addition to the 2009 budget. We then moved into bills that would take over the financial services industry, the automobile industry, the student loan industry, that created the largest tax increase in history by way of an enormous cap-and-trade bill that places a tax on every single American that consumes energy. And we passed, about a month ago in this House, a health care bill that created an additional roughly trillion dollars in obligations for this Nation, that bill now being debated in the United States Senate.

During the course of this year, all of those complicated pieces of legislation which were passed, frequently without the opportunity to read the full bill, created enormous debts for this Nation, and we want to talk about this fiscal picture this evening.

Before we do, I want to yield to my colleague, Mr. AUSTRIA, to discuss the issues of transparency and the issues of the speed in which some of that comprehensive and complicated, lengthy legislation was brought to the floor.

Mr. AUSTRIA.

Mr. AUSTRIA. I thank the Congresswoman from Wyoming for her hard work here in Congress and for putting this freshman Special Order together this evening. I think it's a great opportunity for us, as new Members of Congress, to be able to give our points of view as to coming to Congress, as to what we're seeing and how we think we can do better in the future. I thank you for putting that together.

As our class president, I think you would agree with me that we have a lot of talent that came in with this freshman class on both sides of the aisle. And I think most of us would probably say it's been very challenging, to say the least, our freshman year, sometimes very frustrating, but we're all committed to working very hard to represent our constituents, and that means listening to our constituents and understanding what they're talking about.

And I think this week marks a defining moment for this Congress and our Nation. You know as we, as freshmen, finish our first year in Congress, our national debt continues to grow. It's now over $12 trillion as government encroaches into every aspect of our life. And I fear that this administration and this Congress, as they continue this outrageous spending and running up debt, that we're reaching a point of no return, and it will take another piece of our liberty with it.

I served 10 years in the State legislature in Ohio before I came to Congress, and in Ohio, we were forced to balance our budget. That meant tough decisions sometimes. We were willing to make those tough decisions. And those 10 years in the State legislature, I think, were a good learning experience and a training ground for Congress, but I don't think anything could have prepared us for what we've seen these first 12 months in Congress. If you think back to when we were sworn in, and when the President came in after his inauguration, in his first sentence of his Executive order, President Obama stated, my administration is committed to creating an unprecedented level of openness in government.

In November 2006, Speaker PELOSI pledged to lead the most honest and most open Congress in history. Yet, what we've seen in our first year is that, time and time again this congressional leadership has rammed through costly bills with devastating consequences for America's small businesses and working families that no Member of Congress, in many cases, has had an opportunity to even read, and I think that's outrageous as a freshman in Congress.

If we put things in perspective, the first 4 or 5 months in Congress, we were faced with voting on the second half of the bailouts, the TARP bill, the $700 billion for the financial markets. We were asked to vote on a $400 billion omnibus bill that contained over 9,000 earmarks. We were asked to vote on a stimulus bill, a 1,073-page, nearly trillion dollar stimulus bill that was posted online at 10 p.m. the night before it came up for a vote and that not one Member of Congress had an opportunity to read before we voted on that, and I think that's unacceptable and outrageous. We should have an opportunity to read the bill before we vote on it. And that bill, as we found out, contained a tremendous amount of infusion of government spending, expansion of government. It wasn't targeted on helping small business create jobs, small businesses that can sustain those jobs over the long run.

Then we moved into the month of June and we took up an energy policy known as the climate change bill or cap-and-trade bill. What we saw was at the very end, a 300-page amendment that was tacked on to a 1,200-page bill, which turned out to be a national energy tax bill at 3 a.m. in the morning that came up for a vote that, again, the Members of Congress didn't have an opportunity to read that amendment and fully understand what was in that bill before we voted on it. That's unacceptable, in my opinion. It was a bill that's not good for Midwest States like Ohio, that I represent, that have a lot of manufacturing in Ohio, and nearly 90 percent of our energy comes from coal. This bill, in my opinion, is going to cause unemployment and raise the cost of energy for Ohioans and Americans across this country. And during a time when we're going through a difficult economic time, that's not a good thing.

This freshman class then came together, as you know, as the Congresswoman from Wyoming, as you know, because you participated in this, Congresswoman LUMMIS, and that was we had a press conference. We were upset about not having the opportunity to read this bill. And as a freshman class, we came before the national press, and we expressed our concerns about having an opportunity to read the bill before we vote on it and the importance of having that transparency, the importance of being able to let the American people know what we're voting on here in Congress.

What we saw shortly after that—and we saw a number of people come to Congress the day before or a couple of days before we voted on the health care reform bill. What we saw, what was rolled out shortly after that press conference, was a 2,000-page health care reform bill that we spent days setting up a reading room to try to read through and understand what was in that bill and trying to get that message out to the American public. And what we found was it was a huge spending bill again, a $1 trillion health care reform bill that would raise premiums for many Americans to pay for that, would increase taxes by over $700 billion. Most of that burden is being put on small businesses to pay for the health care reform bill, when we should have been focused on lowering costs and making it more accessible, or more accessible to families and maintaining that doctor/patient relationship. So we can do better.

And what has all this led to? It's led to a tremendous amount of debt. You know, we're now borrowing 50 cents on every dollar that we spend. And I have three teenage boys at home, and I didn't come to Congress to run up these types of debts. And what we are doing is we're further increasing our Nation's debt and placing an astronomical amount of debt and burden on the backs of our children and our grandchildren, and that's unacceptable. And what we're seeing as a result of this tremendous amount of spending, this runaway spending, this huge amount of debt, is we're seeing unemployment now reach the highest it's been in recent decades at over 10 percent, and that's unacceptable.

It's time that this administration and this Congress understand that government spending alone is not going to turn this economy around. We need to be helping our small business. We need

to stop government spending. We need to stop increasing our debt, and we need to be focused on helping those that create jobs across this country, the economic engine across this country, and that is our small businesses. We have it backwards.

I think as a freshman class, you know, we meet on a regular basis, and one of the things that we've talked about is how we believe that Americans, that we in Congress should allow Americans, allow small businesses, the taxpayers, give their money back to them, give them an opportunity to spend it to invest it back in the economy and be able to create jobs and sustain jobs, but unfortunately, what's happening here is we've got it backwards.

Congress is taking the American people's tax dollars, and government thinks that it knows how to spend those dollars better than the American people, and they've got it backwards. And unfortunately, what's happening is that this leadership in Congress is brokering deals behind closed doors or not listening to the American people and their constituents. And that message is very clear to me, and that is that more government is not the answer.

And with that, I will yield back to the Congresswoman from Wyoming. And again, I thank you for having this Special Order tonight with our freshman class.

Mrs. LUMMIS. I thank the gentleman from Ohio.

And the consequence of what the gentleman from Ohio pointed out is illustrated in this chart. Here is the Federal budget deficit when we began as Members of Congress. The budget when we came in had a $459 billion deficit, or just under half-a-trillion-dollar deficit. But since we've been here, this amount of roughly half a trillion has been increased by almost a trillion, 950 billion in increases from 2008, for a total of over $1.4 trillion in deficits. Now, how did we get there?

Three hundred twenty billion dollars of that, roughly, is from lower tax receipts due to the recession. That's the roughly 27 million Americans who are either unemployed or underemployed, and they're paying less in taxes, as are businesses and as are our families. So we're experiencing lower tax receipts because of our recession.

In addition, the stimulus bill has added $200 billion to our deficit for this year alone, half in spending and half in lower taxes.

Then, an additional $154 billion for bailouts for financial institutions and the auto industry; $91 billion in bailouts for Fannie Mae and Freddie Mac. Those, of course, are the GMAs that do housing programs.

Seventy-three million dollars in unemployment benefits due to the recession, again, associated with this loss in tax revenue due to the fact that so many Americans are unemployed and the fact that the stimulus dollars that we spent were not adequately weighted towards infrastructure construction like was the bill that Mr. AUSTRIA and Mr. LANCE and I cosponsored at the beginning of this year.

And then $112 billion in other accumulated bills throughout the course of this year has gotten us to this point, $1.4 trillion in deficit.

Now I'd like to yield to the gentleman from New Jersey (Mr. LANCE) to talk more about what are the consequences of all this debt.

Mr. LANCE. Thank you very much, Congresswoman LUMMIS, for your leadership. And certainly, it is a pleasure to be associated with this Special Order. And I commend you for your knowledge about what is occurring here in Washington. It's also a pleasure, always, to see our distinguished freshman colleague, Congresswoman DAHLKEMPER in the chair.

Madam Speaker, I rise today to draw this body's attention yet again to our ever increasing national debt. In the next day or so, we're going to be asked to vote to raise our Nation's statutory debt limit.

Back in April, the Democratic majority voted to raise the debt ceiling here in the House by $800 billion, and that would increase it to $13.29 trillion. That bill is still pending in the Senate. Now we are being told that due to the pace of spending of the administration and the congressional majority, an $800 billion increase in the debt ceiling will not be enough to get us through this fiscal year. We've been told that we will ultimately need to raise the debt limit by nearly $2 trillion, and that will be a total debt ceiling of roughly $14 trillion.

Some blame the previous administration and the previous majority for our current fiscal situation. The fact is that the $2 trillion increase needed for next year is roughly equal to the total budget deficits from 2001 to 2008. It is also true that prior to the onset of the economic crisis, the budget deficit had been decreasing for the previous 3 fiscal years, reaching a low of $160 billion in 2007.

2008 then saw a dramatic increase in the deficit as we started dealing with the fiscal crisis, and we hit a $454.8 billion deficit in 2008. Unfortunately, the deficit for fiscal year 2009, which ended on September 30, nearly quadrupled to $1.47 trillion due to the TARP program, as Congresswoman LUMMIS has explained, and spending in the stimulus bill and other aspects of spending this year. Now we are being told that for 2010, we must go another $2 trillion in debt.

I implore our colleagues to stand with us in insisting that we get this spending under control and do so now. The pace of irresponsible spending is not only unsustainable; it is dangerous to the long-term viability of our economy and, indeed, it is a matter of national security. This Congress must impose some kind of restriction on spending, and I will not be supporting any increase in our statutory debt limit unless it is directly attached to implementation of a bipartisan commission tasked with advising Congress on how to get its spending under control as quickly as possible.

□ 1900

I remain disappointed to hear that a $2 trillion increase may be attached to a bill to fund the military, including funding for our brave men and women currently serving in combat in Iraq and Afghanistan. We all wholeheartedly support our military and believe it should be provided the funding it needs. The attempt, however, to use the military as a political tool to pass a potentially massive increase in our debt limit is terrible public policy. There should be an up-or-down vote on raising our debt ceiling.

As a matter of history, Madam Speaker, in this decade, in 2001 there was a budget surplus of $128 billion; in 2002 the deficit for that year was $157 billion; the next year $377; the next year $412; the year after that $318; the year after that $248; the year after that $160; and the year after that $454 for a total for the 8 prior years, from 2001 to 2008, of $2 trillion. That is 8 years. I am not excusing that. That is a great deal of money.

This year, however, in the fiscal year that ended on September 30, we had a 1-year deficit of $1.47 trillion. That's $2 trillion over the 8 years between 2001 and 2008, and in the fiscal year that ended this September 30, roughly $1.5 trillion. And that will be replicated again this year in the fiscal year in which we now find ourselves.

Mrs. LUMMIS. Will the gentleman yield briefly?

Mr. LANCE. Certainly.

Mrs. LUMMIS. And the consequence of what you're just saying, which is so critical to this discussion, is the chart that appears here. The interest payments on that debt create a checkmark. In other words, this is 2008, the beginning of this chart. And we were seeing a bit of a decline in the interest dollars that we were paying. But here we are, today, right here, the end of 2009, and from here on, because of that accumulated $2 trillion that you discussed over the earlier part of this decade, and then, the additional $1.4 trillion of this year alone, boy, those interest payments just take right off. And it creates this checkmark effect to the point that at the end of this chart, 2019, U.S. net interest payments over $800 billion.

My gosh, that is as much as the stimulus bill that we passed at the beginning of this year.

Mr. LANCE. Thank you, Congresswoman LUMMIS.

Madam Speaker, Congresswoman LUMMIS has pointed out what we are going to face over the course of this decade. And we have to pay our interest payments first before we feed any hungry children, before we engage in housing for those who need housing and jobs for those who need jobs. Before we even fund the military we have

to fund our debt. It crowds out other needed spending. It also makes it much more difficult for there to be borrowing in the private sector, raising interest rates in the private sector to get this economy moving again.

It is also ultimately a matter of national security, because who is purchasing our debt? It is being purchased by foreign nations, by China, by Saudi Arabia and by other nations across the globe. And ultimately, he who pays the piper calls the tune. And this is a matter of national security. And undoubtedly the American people will recognize now what Congress has not yet recognized, and that is we have to get our Federal spending under control.

No one in Congress thinks that we can balance the budget this year. However, we need a glide path toward a balanced budget. And instead, we have a rocket in the other direction with ever-rising levels of annual deficits.

The Congressional Budget Office predicts that by the end of this next decade, our total debt may approach $20 trillion. That is simply unacceptable. It places an undue burden on the next generation. For the first time in the history of this country, there is an open question whether the next generation will have a higher quality of life than this generation. The promise of America has always been that each generation works as hard as possible to make sure that our children will have a higher quality of life. Whether or not we will have a second American Century here in the 21st century the way the 20th century was an American Century is now in question based upon this fundamental issue that confronts all of us in Congress, and that is the issue of out-of-control Federal spending and a massive debt that is increasing enormously.

Let me state, Madam Speaker, that in the 1990s, with a Democratic President, President Clinton, and a Republican Congress, we did a better job. In 1997, the annual deficit that year was $21 billion. The next year, there was a surplus of $69 billion, the next year a surplus of $125 billion, the next year a surplus of $236 billion, that's in year 2000, the last year of the Clinton Presidency, and in the first year of the Presidency of George W. Bush, a surplus of $128 billion.

I want to give credit to President Clinton. I also want to give credit to the Republican Congress then in power. And I think that it is a responsibility of the Presidency and the Congress working together. In the 8 years of the Bush Presidency, 6 years with Republican control of the House and Senate, there was a combined debt in those 8 years, let me repeat, of $2 trillion, and in this last year, the fiscal year that ended on September 30, we had in that 1 year a deficit of over $1.5 trillion. And this year, we're going to have that amount yet again. I implore the White House to get serious on this issue of annual Federal deficits and the overall Federal debt.

We, the Republican freshmen, want to do our part. We came here to reform the system. We want to reform the system in a bipartisan way. And Congresswoman LUMMIS is taking the lead for the freshman class on this, in my judgment, the most important issue confronting the American Nation, as important as reforming the health care system, as important as the burden that we share with others around the world, including the brave young men and women who fight in Afghanistan and Iraq. Because this, the debt issue, is a matter of national security as well as a matter of economic prosperity.

I yield back to the congresswoman.

Mrs. LUMMIS. I applaud the gentleman from New Jersey for his view that we need to have tied to an increase in the national debt a mechanism that will begin to address this problem. One of the mechanisms is one that you mentioned that you support, and that would be legislation that would create a commission to begin to advise us on this structural deficit. And this chart illustrates why this structural deficit is so much worse than it has ever been.

One of the points in this chart you brought up in your discussion, and that was a point right here, this is the years when we had the Clinton Presidency and a Republican Congress, and you saw tax revenues increasing over expenditures as a percentage of gross domestic product and creating the very surplus that you discussed. But what's really interesting about this chart is the fact that it runs from the 1970s, actually from the year 1969 to 2009, so it's a 40-year chart that compares spending to gross domestic product, taxes to gross domestic product, and then the deficit to gross domestic product. And the amazing thing is that when you look at gross domestic product, that is, the value of everything we produce in this country every year, and use that as your constant, so we're comparing that over 40 years to the way that Congress has spent money, the way that Congress has taken in taxes, and then to the deficit, what you see is remarkable stability, remarkable stability for 40 years. It has always hovered around a little over 20 percent of gross domestic product in terms of spending, and around 18 percent in terms of taxes.

So there has been a structural deficit for all those years of roughly 2.4 percent, meaning for about 40 years we've taken in a little bit less in taxes than we've spent. And so it has created some deficits over time. But even the deficits have hovered within that average of about 2.4 percent. The average then is this dotted line down here, remarkably stable over 40 years.

Now, look at what is happening in the future. These are projections. The sources are the Congressional Budget Office and the Office of Management and Budget. So we're talking about government agencies that are projecting this. Here is the line for where we begin the next decade starting in January. Spending and taxes separate dramatically. As you can see, the year 2009, which is illustrated by this tremendous separation right here, this is where we are now, and the reason we've taken in less taxes is because of the recession. But the reason that we've spent so much are all the bills that we discussed from the beginning of this hour. It has just become completely out of the realm of anything we've ever seen in the last 40 years.

So it creates a structural deficit, meaning a very, very wide gap going forward between taxes and spending. This gap is projected by CBO to be between 5 and 6 percent. That's more than twice of what it has ever been over the last 40 years. And it goes on and on from there. And so you can see this projected deficit in the decade coming forward, down here, is an enormous gap over what it has been. That is what you were talking about when you said, will we give our children a better country than we received? And there is a real question about that now. And that is why we have to address it.

I know you're on a committee where Federal Reserve Chairman Ben Bernanke has come, as am I, and said, you've got to come up with a plan to deal with this problem, this specific problem, the structural deficit. This is the structural deficit. And it is caused by the mismatch between taxes and spending. And while we as partisans get under each others' skin by saying, Democrats, you have spent too much; and the Democrats saying, Republicans, you gave tax cuts at a time when we were at war. Well, we're both right. And now here we are. I yield back.

Mr. LANCE. Thank you, Congresswoman.

Madam Speaker, the fact that for a generation, spending has been at roughly 20 percent of gross domestic product for 40 years is noteworthy. And the chart that Congresswoman LUMMIS has is extremely informative and revealing. However, we are entering a new era where as a percentage of gross domestic product, governmental spending is rising dramatically to 25 percent. This is a significant and very disturbing difference. And the fact that over the next decade our projected deficits are so much larger than they have been historically as a percentage of gross domestic product is also disturbing. And in a bipartisan fashion, we have to have a glide path toward fiscal responsibility.

I think that it is impossible to balance the budget until we get out of this deep recession. But once we are out of this deep recession, and in my judgment we are still in the recession, because unemployment rates in this country are at 10 percent, the highest they have been since 1983, a generation ago—once we get out of this deep recession, we have to have a plan to make sure that we move toward the historic average of no more than 20 percent of spending in the governmental sector at

the Federal level as percentage of gross domestic product.

My own view is that we need a bipartisan commission to advise us, like the BRAC commission regarding the closing of military bases, and then there can be an up-or-down vote on what is recommended by that commission here in Congress. Some oppose that, but do not provide an alternative as to how we are going to do a better job. And to do nothing is to condemn the next generation to a lower standard of living. It is to condemn the next generation of businesses across this country with much higher interest rates because the government crowds out private-sector borrowing.

□ 1915

The government is the borrower of first resort.

And of course ultimately it could mean a lowering of the credit rating of the United States of America. Obviously, we now have the highest credit rating, but there are some who predict that over time that will not occur. And also, there are some who predict that there should be a new currency worldwide, that the dollar should no longer be the currency that is favored across the world. Obviously, all of us in Congress, including freshmen Republicans who are discussing this issue tonight, favor a continuation of the American currency.

The dollar is the currency that is honored across the world, but the Chinese, for example, have floated the idea that there should be a new international currency, not the dollar, regarding international trade. This is as a result of the fact of these ever-rising deficits year in and year out and the result of the fact of an overwhelming Federal debt, now at $12 trillion. In the next week before Christmas we're going to be asked to raise it to $14 trillion.

We are not going to be asked to raise it on a stand-alone vote on that issue. It is going to be part of a bill related, I believe, to the military. I call again for a stand-alone vote on this issue, and that stand-alone vote, Madam Speaker, should include the establishment of some sort of mechanism to get a handle on this situation, this, the most critical issue confronting us not only economically but also as a matter of national security.

I yield back to the Congresswoman from Wyoming.

Mrs. LUMMIS. I thank the gentleman from New Jersey for yielding.

The Federal Reserve Bank, in my opinion, is now overleveraged. The Federal Government is overleveraged, meaning we have taken on too much debt both at the Federal Reserve, while they've been trying to help our banking system right itself, and we, in Congress, by not recognizing that in this recession we, too, should be making sure that government isn't growing in an outsized way when it is, in fact, the private sector that creates wealth.

We are joined by the gentleman from Colorado, who is on the Small Business Committee. And small businesses in our communities are really hurting, as are community banks.

Among the things that we have talked about with the Federal Reserve Chairman is the issue of how community banks sometimes have loans that are performing, that every year the borrower is making the payments, principal and interest. But when bank regulators come in and look at those loans, they are worried that the asset that is backing that borrower might be a little shaky, so they might require the banks to write down that loan even though it's performing. I know that the Federal Reserve Chairman says that should not be happening if the regulator is the Federal Reserve because they've instructed their regulators not to do that, but we also know there are multiple regulators, including the Department of the Treasury, the Comptroller of the Currency, and some of these regulators are still requiring that these loans be written down. That is a tremendous disservice to our community banks and to their borrowers whose loans are performing.

I yield to the gentleman from Colorado.

Mr. COFFMAN of Colorado. Well, thank you, Congresswoman LUMMIS.

That certainly is the case. I think that smaller banks in the United States are paying for the sins of the larger banks. The Comptroller of the Currency has just come down on these banks and has mandated a 20 percent increase in their capital requirements, and that forced them, as well, to pull back on lending. And so credit is really the lifeblood of small business, and small business is the economic engine in terms of jobs for this country.

Small businesses in my district and districts across this country are hard hit right now in terms of credit, in terms of their ability to get extensions on their credit lines and their ability to fund capital purchases. All of these things have led to downward pressure in terms of their ability to be that employer, that engine that drives this economy.

Mrs. LUMMIS. Indeed, we are finding that there are changes in our economy that are going to exacerbate some of the problems that we have discussed.

Here is another fund chart. I want to point out that some of the things that I am discussing tonight have been influenced by an article that I read in the National Journal by John Maggs, which I commend to your attention. The date was Saturday, November 7, 2009, National Journal. The name of the article, ''The Debt Problem is Worse Than You Think,'' not a very uplifting title, but I think very reflective of the problems that we are in and that we, on a bipartisan basis, need to begin to address after the first of the year.

This chart I found to be tremendously interesting. The source, again, is the Congressional Budget Office. Look at how, in the 1970s, which are represented by this quadrant of the chart, then followed by the eighties, nineties, and this first decade of the 21st century, look how much defense accounted for as a percentage of the Federal budget near the end of the Vietnam War, or, I guess, 1969, probably about the height of the Vietnam War. A tremendous amount was spent on defense and very little on medical care for the indigent and the elderly as a percentage of our Federal budget; whereas, Social Security and nondefense discretionary funding—which is, of course, what we spend most of our time talking about here in Congress—have been remarkably stable over that time.

Defense has dropped dramatically over time. Here you see the decade that then caused the buildup into the end of the Cold War. And then you see a declining, the ''peace dividend'' as we called it, during the 1990s, which allowed Congress and the President to balance the budget. It has stabilized at a point of about 20 percent, even in this decade that we have just completed.

So it's amazing how much defense has declined as a portion of the Federal budget. But what is equally amazing is the amount in which Medicare and Medicaid have risen as a portion of our Federal spending and increasing. This is an ever-increasing line, the red line, because of people like the three of us in this room. We are all baby boomers, and as this massive generation approaches retirement and Medicare, that number is just going to go up and up. So unless we address Medicare in particular as part of this commission that you mentioned, we are not going to get there.

I yield to the gentleman from New Jersey.

Mr. LANCE. Thank you very much for yielding, Congresswoman LUMMIS.

In 1982 and 1983, President Reagan established a bipartisan commission to deal with the issue of Social Security. Based upon that bipartisan commission, action occurred here in the Congress with the support of the administration that had the result of making Social Security solvent for almost a generation. We now have another challenge regarding Social Security, and particularly Medicare and Medicaid. I think we should replicate what occurred in 1982 and 1983 with a Republican President, President Reagan, and a Democratically controlled House of Representatives—and the Democratic Party controlled the House of Representative from 1954 until 1994, for 40 years. We should come together in a bipartisan fashion to establish another commission to deal with the enormous Federal debt. This commission could also have the responsibility perhaps to discuss and evaluate the Medicare and Medicaid and Social Security issues. Perhaps there should be a second commission for that.

But it is clear, based upon the chart that Congresswoman LUMMIS has in

front of the Chamber, that Medicare and Medicaid are rising rapidly. The largest cohort is the baby boom generation, those born between 1946 and 1964. Those of us who are on the floor this evening are in that generation. Obviously, Congresswoman LUMMIS is at the end of that cohort, whereas Congressman COFFMAN and I are in the middle of that cohort. Let me say that it is the responsibility of us working together to address this issue.

Let me also say that we count funds that go into the Social Security Trust Fund as part of Federal revenues. If we had segregated them separately, our annual deficits would be even higher than they are. And when I state that the deficit for the year that ended September 30 of roughly $1.5 trillion—precisely $1.47 trillion—that includes the monies that are paid into the Social Security Fund. So if we were to place them in a separate pot of money, the annual deficit would be even higher than it already is.

Mrs. LUMMIS. Will the gentlemen yield?

Mr. LANCE. I certainly will.

Mrs. LUMMIS. Will the gentleman remind us to whom has the so-called Social Security Trust Fund been lent?

And I yield back.

Mr. LANCE. Thank you.

It has been lent to the fact that we are funding these programs that we cannot pay, and really the deficit is much higher than that. And Medicare will be in the red in the next several years, and Social Security not too far beyond that.

Mrs. LUMMIS. Will the gentleman yield?

Mr. LANCE. Certainly.

Mrs. LUMMIS. Are you telling me that Social Security dollars that Americans paid into a Social Security Trust Fund have been lent to the Federal Government to spend on these programs we've been discussing tonight?

And I yield back.

Mr. LANCE. I thank you for yielding, Congresswoman.

Absolutely, 100 percent accurate. It is not going for the purposes for which it was intended based upon the Social Security program established in 1935. I do believe that those who established the Social Security program—Franklin Roosevelt, distinguished Members of Congress, including Sam Rayburn, Francis Perkins, the Secretary of Labor—that that generation would be appalled by how we use Social Security funds in this year of 2009.

And I yield back to the Congresswoman.

Mrs. LUMMIS. And I yield to the gentleman from Colorado.

Mr. COFFMAN of Colorado. Thank you, Congresswoman LUMMIS.

I think there is a fear of the American people, as well as some of us in Congress that are here tonight discussing this issue, and that is that the health reform bill that has passed the House and they are debating iterations of it over in the United States Senate, that both versions—the one that is being debated in the Senate that we're aware of and that which was passed in the House—plant the seeds for new entitlements. And so I think that the American people are distrustful because they know what government promised in terms of what the impact of Social Security would be. They can remember what the impact of what Medicare would be and how explosive the realities of those are in terms of Federal deficits, and now the rising debt for this country, and how damaging that will be. And so I think there is real concern, and that concern is very legitimate.

So I think that before the Congress of the United States engages in new entitlements, it needs to take care of the ones that we have and get them under control so that they don't totally envelop this country's budget and capacity to borrow.

Mrs. LUMMIS. Will the gentleman yield?

Mr. COFFMAN of Colorado. Yes.

Mrs. LUMMIS. Is it true that the health care bill that passed the House of Representatives a few weeks ago accumulated about 10 years of taxes and fees to pay 6 or 7 years of benefits?

And I yield back.

Mr. COFFMAN of Colorado. Thank you, Congresswoman LUMMIS.

Yes, that's accurate. Because what it did is the—I don't think the benefits were effective until 2013, but the taxes started right away. And so it is deceptive in terms of saying that—you have to use some fuzzy math, some new accounting, new age accounting, to be able to say that it's deficit neutral.

Mrs. LUMMIS. Will the gentleman yield?

Mr. COFFMAN of Colorado. Yes.

Mrs. LUMMIS. Are you saying that, then, 10 years of taxes are going to begin right away under the House health care bill and the benefits are not going to begin to be paid out until year 2013?

Mr. COFFMAN of Colorado. That's correct.

Mrs. LUMMIS. And so what happens at the end of 10 years?

Mr. COFFMAN of Colorado. Well, as in all, it seems, programs that Congress starts, unfortunately, historically they've been financially disingenuous, because at that point in time, clearly we are moving forward into a deficit situation.

□ 1930

Mrs. LUMMIS. You are telling me that there is going to be a structural deficit in the very health care bill that we passed, in addition to the structural deficit we have been discussing tonight?

Mr. COFFMAN of Colorado. Welcome to government accounting, and I think that that's unfortunate.

I would hope that the American people would grow to understand this particular issue and ought to express their concern to their Members of Congress, because we already have deficits and debts that are out of control, and I believe that can very well choke off the ability for this economy to ever recover because of interest rates and inflation that are derived from deficits, prolonged deficit spending. This is merely going to exacerbate the problem.

Mrs. LUMMIS. I thank the gentleman from Colorado for raising that point.

Mr. LANCE. This has the potential of bringing about generational conflict, because we rely on the working generation to fund programs through the taxes that they pay, not only the income tax, but also payroll taxes such as Social Security and Medicare. If the next generation, beginning in the workforce, is going to shoulder this tremendous burden regarding our debt, and, in addition, shoulder a tremendous burden regarding Social Security and Medicare and Medicaid, there is the potential of generational conflict.

It is incumbent upon those of us who serve here to make sure that that generational conflict does not occur. It is the height of irresponsibility and, might I suggest, it is, indeed, immoral to place on the backs of the next generation this ever-increasing Federal debt. This is new in its percentage.

As you have rightly pointed out over the course of the last generation, spending has been at roughly 20 percent of GDP. It is going to expand greatly, and the chart indicates, to 25 percent, and some have indicated—some economists have made it, increased it to 30 percent of GDP. That is a dramatic and unprecedented expansion.

The yearly deficit for the fiscal year that just ended on September 30 was the most amount of money, as a yearly deficit, as a percentage of GDP, since 1945 at the very end of World War II, when we were fighting for our existence and, obviously, during World War II, the most extensive war in the history of the human condition. We were in a situation where we had to have deficit spending.

But the fiscal year that ended on September 30, 2009, had the highest annual deficit as a percentage of GDP since 1945. Let me repeat: That I believe that in this new fiscal year that runs from October 1, 2009, until September 30, 2010, we are likely to have an annual deficit that approaches the $1.5 trillion annual deficit of last year.

This is simply unacceptable. Before we raise the debt ceiling, as the majority intends to do in the next week, we should have a fundamental discussion about where we are headed. We certainly should have an up-or-down vote in this regard.

I have written the Speaker of the House for an up-or-down vote. I am joined by freshman Republican colleagues in this request and, instead, we are likely to have a vote that is part of a larger appropriations act for the Defense Department.

Mr. COFFMAN of Colorado. Congresswoman LUMMIS, you and I were both State treasurers; you from the State of Wyoming, myself from the State of Colorado.

One thing that we had, I am sure that you had in the State of Wyoming, was a balanced budget requirement that every year we had to balance the budget. It created a sense of fiscal discipline where you had to make tough decisions in terms of tradeoffs. You simply couldn't have everything and drive your State into deficits and further into debt.

What is absolutely essential to have in the Congress of the United States is a balanced budget requirement where the tradeoffs have to be made, where hard decisions have to be made, where there has to be a reference point that at the end of the day, revenues have to equal expenditures. Without that, I really fear for the future of the country, I think, for the first time in my life, when we look at these deficits, when you look at the debt, when we think about the future of the country.

I know that Democrats have pointed to Republicans and said, well, you did it in the past. Now it's our turn.

Well, but, you know, I used to use that with my mother when I was growing up. I used to say all the other kids are doing it. My mother didn't buy it, and the American people aren't buying it today.

The American people aren't buying it, and they realize, I think, that they have unease about what is going on in the Congress of the United States. They have an extraordinary feeling of insecurity about what is happening in this country, not simply because the way the economy is right now, but they understand that the political class in Washington, led by the majority party, is pushing this country over a cliff, and the American people get it.

Mrs. LUMMIS. The alarm you expressed is shared by others. I would like to quote one sentence from this article to which I referred earlier by John Maggs in the National Journal, ''The Debt Problem is Worse Than You Think,'' for your reaction.

''Simply put, even alarmists may be underestimating the size of the problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.''

Your reaction?

Mr. COFFMAN of Colorado. Well, the tragedy of what I have seen in my first year here in Congress, as one of your fellow freshmen here, is that it is all about the politics of the moment. It is all about the immediacy of how can we placate the American people through spending and not the consequences of what's going to happen to the next generation.

The only thing is that it's done at such a rapid pace right now that it's going to envelop this generation even before it hits the next generation in terms of its adverse effects.

I just think it's extraordinary. Again, I believe that the deficits are such, and I think the American people are beginning to understand, that unless Congress can control its spending, that the ability of this economy to ever fully recover, that the consequences of this level of debt, in terms of higher inflation, in terms of higher interest rates, will choke off this economy's ability to ever fully recover.

In addition, the situation is so bad that internationally the focus is on the United States and the mismanagement of fiscal policy, where you have a country like China, the largest holder of U.S. public debt, foreign holder of U.S. public debt, stating their concern about what America is doing to itself.

Mrs. LUMMIS. Are you prepared to say that the Republicans were wrong when they simultaneously passed Medicare part D, the Bush tax cuts, and tried to sustain that during wartime. Are you prepared to say that?

Mr. COFFMAN of Colorado. They were absolutely wrong. There is no question about it.

Mrs. LUMMIS. I would like to ask the gentleman from New Jersey, do you agree with that? Do you think we were wrong?

Mr. LANCE. I campaigned last year against the policies, when it was a Republican President and a Republican-controlled Congress that had these deficits. I point out that over the 8 years there was a $2 trillion deficit. That was too large. It's even larger now, and we have to work in a bipartisan fashion to get this under control.

Let me also say that I commend both the Congresswoman from Wyoming and the Congressman from Colorado, both having been State treasurers, because you had constitutions in your State that required a balanced budget.

Unfortunately, in New Jersey, we have had a system where we have borrowed without voter approval for about 15 years. That was put to an end last November when we changed our State Constitution. My constitutional amendment, the Lance amendment, that prohibits further borrowing in New Jersey without voter approval. New Jersey is in the equivalent situation of California, and we have not discussed here the fact that there are quite a few States, including California and New Jersey, that have tremendous annual deficits.

Of course, this comes out of the other pocket of taxpayers' in these States, and taxpayers are burdened not only here at the Federal level but at the State level as well.

I certainly agree that we have to work in a bipartisan capacity. I also agree with my colleague from Colorado that simply because, in the first decade of this century, the 8 years from 2001 to 2008, there was a deficit of $2 trillion, that does not mean that we should continue on this route and, indeed, accelerate on this route of irresponsible spending. Two wrongs do not make a right.

I agree with my colleague from Colorado. My late mother, when my twin brother and I were children in the little town of Glen Gardner, Hunterdon County, New Jersey we would say other children are doing this. My late mother would say, I don't care what other kids in Glen Gardner do. You are not going to do that.

We have to acknowledge that, what occurred in the past, recognize that there has been overspending. There is overspending now. It has accelerated, a yearly deficit of $1.5 trillion, to be replicated, in my judgment, this year. This will mean leadership will pass to China or to some other Nation in the world. And all of the democratic values we share together, freedom of speech, in which I am now engaged, freedom of association together here on the floor of the House of Representatives, freedom of religion and all of the other values we share together, is ultimately based on American leadership.

We do not want that leadership to pass to some other place on Earth, to China, to India or to some other country as a result of these massive Federal deficits year in and year out and an overall Federal deficit now of $12 trillion and rising, based upon nonpartisan Congressional Budget Office analysis, to $20 trillion in the course of the next 10 years or so.

Mrs. LUMMIS. It is the rare man who has a constitutional amendment named after him. The Lance amendment in New Jersey will help right the ship in New Jersey. We compliment you for that work.

We are now about to begin to summarize. I would ask the gentleman from Colorado to summarize this evening's discussion.

Mr. COFFMAN of Colorado. As freshmen we went to an orientation where part of it was on the financial crisis which has morphed into an economic crisis. And we had economists from all political stripes brief us. They said, You know, that it was right to do a stimulus, it was right to deficit spend, but it had to be very temporary. It had to end with 2010 because the economy was expected to improve and you didn't want public-sector borrowing colliding with a greater demand for private sector-borrowing.

It also said that it also needed to be timely and that it needed to be fast-acting. Unfortunately, it hasn't been. Also it needed to be targeted, and they differed about what being targeted was. But it was interesting, the fact that they all felt you had to start controlling the deficit by the end of 2010 or you were going to have dramatic effects on the ability of the economy to fully recover.

It seems that when we look at this $787 billion stimulus bill, more money, I think, will be spent in 2011 than has been spent this year. It hasn't been fast-acting. It certainly isn't temporary, and it goes on, and I would argue that it is not targeted, although the economists differed on what was targeted.

One thing they did say: They questioned if you went to the bureaucracy,

if you chose government to be the stimulus, would it be fast enough? Could the government bureaucracy and the Federal Government move the money through fast enough? Clearly we have been able to see that it hasn't been able to get the money out the door to make a difference to the economy.

Mrs. LUMMIS. I wish to thank my Republican colleagues this evening, the gentleman from Ohio, the gentleman from New Jersey, and the gentleman from Colorado. We are hoping that in the next year we will see a bipartisan effort to address this problem.

JOB CREATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. SUTTON) is recognized for 60 minutes as the designee of the majority leader.

Ms. SUTTON. I am pleased to be here with my colleague from New York, Representative PAUL TONKO. I am BETTY SUTTON, and I proudly represent the 13th Congressional District of Ohio.

I am a member of the Task Force On Job Creation of our caucus and, in fact, I am the co-Chair. Mr. TONKO serves on that committee, and we are here today to talk about just that. We are here to talk about the need to create jobs, jobs, jobs in this country, both in the near term and for the long term that will be sustainable for our constituents and people across this great country.

As we move forward, we have to make sure that we secure an economy that will work for and with ordinary Americans, because we may recall that before the Bush recession began, the Republican recession began, the reality of it was we had an economy that wasn't working for many Americans already before it went off the cliff.

As we revitalize our economy, it's incredibly important that we don't just go back to the old ways where Wall Street ran rampant and Main Street suffered, but that we create and—facilitate, I guess, is a better word—facilitate an economy that will work for and with ordinary Americans, and that the prosperity of this great Nation and the promise of a middle class will be restored. That is what America is at its best, where the promise of a middle class is vibrant and well and thriving.

□ 1945

So before the recession, before the Republican recession hit, the reality is productivity and profits were up, and as I said, Wall Street was reveling. And ordinary Americans, what was happening to them? Their wages were flat, at best.

So the task force is here to say enough is enough. We need an economy that offers economic opportunity to people who live in neighborhoods across this country, who live in rural areas across this great country, not just those who make a living on Wall Street.

So, though the actions that we've taken already, the American Recovery and Reinvestment Act, have been helpful to many, and, in fact, the CBO has estimated, actually found that it has already created or retained 600,000 to 1.6 million jobs, we still have an unemployment rate that is staggering at 10 percent and nearly 16 million Americans out of work. So, far too many Americans across the country are without a job and far too many more are concerned about what tomorrow will bring. Forty percent of those who are unemployed have been jobless for at least half a year.

So we know, Representative TONKO and I, that we have to put people back to work, and it is not a simple task but it is an ongoing task. In fact, I'd say it's a mission because, you know, I have heard it said that we're in a jobless recovery.

Have you heard that, Mr. TONKO?

Mr. TONKO. Yes, I have. And that certainly doesn't cut it with the American public, with middle class working families across the country. It simply does not cut it.

But, Representative SUTTON, I do want to commend you for the leadership as co-Chair of our task force on job creation. And I found your introductory comments to inspire a thought: Let's really look at how this started.

We went from a record surplus under the Clinton administration to a record deficit. Had we stayed the course, the deficit reduction plan of President Clinton would have been completed. It would have completed its mission this year. We haven't seen deficit wipeout except for one Presidency, that of Andrew Jackson. So this could have been an historic year if we had stayed the course. What we found was that people will talk about the deficit, which the deficit has driven this recession which went longer and deeper than any forecasted, and now it's the daunting task of all of us who serve here in Washington to stop the bleeding. And great indicators out there suggest, many key indicators suggest that that has happened, as you alluded to, with 1.6 million additional jobs coming into the picture, direct and indirect measurement. We have also seen corresponding to that a .3 to a .9 percent reduction in unemployment. That at least is welcomed news that we could stop the bleeding. But now the overwhelming task, the challenge, is to grow this economy. And how are we going to do that?

There are a lot of needs out there that require us to create those jobs, to funnel the resource to those jobs so as to improve America's competitiveness. We are asking our businesses and our workers to function in a global economy, and there are investments that we can make, Representative SUTTON, that will take us out of this economic catastrophe and allow us to climb back.

But the last 8 years have been devastating. They have put us into a deep financial hole. And as we cleaned up the mess, as we put the war in Iraq online in the budget, as we took the doughnut hole that was created that has hurt our seniors who are Medicare eligible as they have had to reach into their pocket to work with Medicare part D's doughnut hole, that was not put online in the budget in a way that really reflected the costs of these programs. So now we have truth and honesty in our budgeting, but that has produced an even deeper deficit because we're doing it with fairness and frankness.

Now, with the task force and many Members in a bipartisan bicameral way, we hope, we can then get to the picture of job creation. And that's what it's about right now in Washington. How can we create the programming that will allow for the increase of jobs, be it in the energy-related field, in manufacturing, in our parks, in our municipal levels of government with public safety, fire, and police numbers, teachers in the classroom? All of these efforts need to be brought in and built, if we can, and we must build an innovation economy that will be sparked by our growing the competitive edge for our businesses so that we can win and retain and grow jobs.

Ms. SUTTON. Representative TONKO, I know this is your first term, but it's hard to believe. I have to tell you, we are very inspired to have you here, and you didn't arrive a moment too soon.

The point that you make about the deficit, turning the surplus that was well established under President Clinton into such an extraordinary deficit under the last administration is a point that is a reality and, unfortunately, is one that we have to deal with; right? Because, you know, fighting two wars that weren't paid for and, as you point out, a lot of the costs done offline that weren't budgeted for.

But it wasn't just an economic deficit that was created; it was this jobs deficit that was created that we also are here to deal with not only tonight but until we resolve it. It has to be our mission.

Mr. TONKO. Right. Some were shipped off into a foreign economy. Others simply evaporated. And we saw in record numbers the losses that were out there because they simply could not compete and stay effective.

I meet people every day in my district, and I represent a capital region in New York State so that we have the benefit, the buffer, of public sector jobs. But our unemployment numbers are hanging near in excess of 9 percent. This is unacceptable. We need to do much more work as we go forward. And we applaud the efforts to date to take that surplus and apply it as a downpayment. But that's as it's seen, as a downpayment. There are many more installments to come in order for us to build hope in the lives of people, and that's what it's about.

You hear it. We've talked about it. I hear it in my district. The fear with

which people speak, the uncertainty of their tomorrow, the need for us to provide jobs for the youngest in society who are being released from higher ed who are in search of employment. Those who have been chronically unemployed, as you point out, before this recession hit and as it hit, chronic unemployment in many of our neighborhoods. All of this has to be taken into a full-picture view and create those situations that allow us to be competitive. And I think we can do it.

For instance, in the energy-related areas, we can grow jobs of the green collar variety. We can reduce demand for energy in this country. We're the most gluttonous society as it comes to use of our energy supplies. We send hundreds of billions of dollars into the treasuries of unfriendly nations, those who inspire terrorist activities in our country and around the world. We're sending hundreds of billions of dollars there. And do you think we could move forward with an energy security agenda, growing our energy independence, providing for energy audits, creating energy teams that can go into neighborhoods, allowing jobs for those who have been chronically unemployed or those recently unemployed, training, retraining programs through our community colleges to advance those energy audits and then to do the implementation of the audits as they're developed? These are great jobs that reduce our demand of energy through an energy efficiency program, allow us to create American jobs as we generate our supplies locally through embracing our intellectual capacity as a Nation, inspiring investments in R&D, research and development, and that will also deploy these ideas that are coming from public and private sector R&D centers, put those into working capacity for our Nation's people.

It's the cleverness. It's standing back and having a heart and a soul for our working families. And you know we can do it. You know that we have the capacity here as a legislative body, as the two bodies of the Capitol here in Congress, in working with the White House. We can make it happen, and the will must be there because we have the way and the means to make it happen.

Ms. SUTTON. Well, Representative TONKO, you put it well, and I know that you speak for your constituents and so many people out there in America who are feeling what we're speaking to and about. And you're absolutely right. They know that they cannot wait any longer, that we can't have inaction because inaction is far too expensive. It's far too expensive in not only lost wages, in, of course, being held hostage to foreign regimes that are unfriendly to us in the area of energy.

We need to pass measures, some of which we already know are tried and true and are necessary. We need to invest in things like our infrastructure, because we know that investment in infrastructure puts people to work right away and also is accomplishing the creation of real value.

You know, one of the things that was pointed out by you and is such an important fact about how we got to this level of a jobs deficit in this country was the loss of manufacturing and the loss of this country's investment in creating real value, and, instead, so much was put on Wall Street. Wall Street took hold of the opportunity, with very little hindrance on greed being the operative way of proceeding, and as a result, they ran rampant, creating pretend value, trading and pretend value. And as a result, in Ohio, for example, bad trade policies and this reckless way on Wall Street, the lack of attention to manufacturing and its importance to the strength of our Nation and, in fact, the national security of our Nation, Ohio, since 2001, lost hundreds of thousands of jobs. That was long before the recession began.

So we know that there are certain things that will help us, and, of course, the job creation task force supports this idea, that we have to build and strengthen our Nation's crumbling infrastructure. And I'm inspired by your words about the innovative spirit and all the potential that exists in this Nation. Well, some of that potential needs to be applied to our legislation, because while some of the ways that we have pursued things in the past are tried and true and we need to move forward in those veins that work, we also need to think creatively.

You talked about the environment. Representative TONKO, you're well aware that I was the sponsor of the CARS Act, which became known, affectionately, I hope, as the Cash for Clunkers bill. But the thing about Cash for Clunkers was it shot down the old paradigm that it's either about jobs or the environment. It was about jobs and the environment. And we shored up the jobs in the auto and related industries that people across this country depend upon for their livelihood and the ramifications and the ripple effects, taking people off of unemployment, giving them the dignity and the opportunity to work a job, and at the same time achieving improved environmental integrity and helping consumers to get something that they need during these difficult economic times, and it went right to them.

So it matters where you aim. No more just aiming at Wall Street, because we can't have a jobless recovery. There is no such thing, in my view, is there, Mr. TONKO, as a jobless recovery that's meaningful?

Mr. TONKO. Not at all, Representative SUTTON.

Again, I applaud your efforts with Cash for Clunkers. You were a leader in making that happen. And you talk about the merit that that brought, but let's talk about the ripple effects that it inspired. Dropping that pebble into the pond and having those ripple effects reach into the auto industry, not only did it inspire people to trade in an energy-inefficient automobile, but they were now purchasing an efficient automobile and they were sparking additional production for our auto industry, which is absolutely important.

□ 2000

So some of these actions that we take have positive follow-up actions. There are direct and indirect hits, and all of that grows jobs, grows opportunity and speaks accordingly—favorably—to an energy plan, to an environment plan, and to an economic recovery plan. So, across the board, all of these plans are responded to in a progressive fashion.

The same is true, as you made mention, of the infrastructure issue. We think traditionally of roads and bridges. Well, many of those bridges that are measured ''deficient'' need to be addressed for public safety purposes. It also responds to the ironworkers across America who will have to provide for the supplies, and it responds to all of those who work in the industries, in the trades, who are connected to the ordinary transportation construction projects out there. It is the cement manufacturers and those who are providing all of the resources that are required. All of that produces more than just construction jobs on the scene. There are many ancillary industries that are favorably bolstered simply by this investment.

When we talk about infrastructure, we can't stop just with roads and bridges. We need to look at the most efficient form of travel, that being rail, and we need to look at building into that today's ahead-of-the-curve sort of responses with high-speed, energy-efficient rail. Again, that requires embracing R&D so that our brightest science and tech minds can create efficient braking systems and efficient cars that can be utilized in the rail transportation corridors. All of that inspires progress, and it allows us to take some of the brightest minds who can help us with the intellect and with the discoveries that we require, but it also involves a full spectrum of employment—from trades individuals over to the Ph.D.'s. So we cover the full spectrum of jobs out there, and we provide, again, hope for American families.

You know, I think it is important also for us to look at the measures that we can inspire and encourage that find us working with the deployment of these wonderful innovative and ingenious measures that are used now by other nations.

Recently, the SEEC Coalition in Congress, of which I'm a founding member—and it's a brand new vehicle this year, the Sustainable Energy and Environment Coalition—has been bringing in guest speakers. We had the most recent former Energy Minister of Denmark in to speak to the group to talk about the innovation that Denmark was doing with its economy on energy-related matters. Afterwards, I spoke to him. Representative SUTTON, what he said to me was so telling.

I asked him, What was the inspiration? Where did you reach to get these

ideas that transformed the energy outcomes for Denmark?

He smiled broadly and said, Many of them are American patents.

We have not provided for that funding mechanism to take the whiz-kid ideas in the lab and in the R&D centers—both public and private and at academia. We have not provided the funding to deploy those into manufacturing or into retail use so that we can get the return on investment that was made. The Angel Network, the venture capitalists—that ''valley of death'' as it is labeled—needs to be addressed. If we do that, we are providing more jobs, not just in R&D, but by inducing wiser manufacturing operations.

You know, you talked about manufacturing and the heyday of which we all know of the manufacturing that was here. I represent a series of mill towns, which is a necklace of communities along the course of the Erie Canal and the Mohawk River. They were the Westward Movement. They were the epicenters of invention and of innovation, staffed many times by immigrant labor that created those ideas, which allowed us to rule the world. We created the Westward Movement with that sort of canal activity and those mill towns. Today, those mill towns have gone rusty, but we can save manufacturing in America if we do it smarter. We don't have to do it cheaper. We need to do it smarter.

With the emergence of nanoscience in this country, there is a nanoscience center in the capital region of New York, which I represent, that just 2 days ago introduced an investment that will allow them to provide for precision characterization and inspection of product line development and manufacturing. This will take us a long way to being the best and the smartest, and that's the sort of investment that American workers deserve. America's families can have that hope brought into the fabric of their families simply by the wisdom that can be inspired with sound public policy here and by the investment of resources that can make things happen.

Ms. SUTTON. That's exactly right, Representative TONKO.

As you point out, these initiatives have massive effects for the good of the whole. You get the benefit of the R&D jobs, and you get the benefit of all of the spinoffs and the manufacturing. I mean, that is what built this country. That is what built this middle class that we aspire to.

I'm the youngest of six kids from a working class family. My dad worked in a boilermaker factory his whole life. Somehow, from those roots, in this great country, I was able to come to the House of Representatives of the United States. I take that responsibility so seriously because I know it's an unlikely story. It's an unlikely story that someone not born to wealth and privilege can sometimes come, in this great country, to a place like this to be a voice for people out there who only want a chance to do a hard day's work for a fair wage. We've gotten away from that in this Nation.

As to manufacturing, though, we might not make all of the things we used to make, but we will make other things—green energy products. We used steel to build the windmills, but right now, we're not using steel or our ingenuity, but there are so many out there in the United States with the capacity to do it and the desire to do it. They're just looking for a government that will work with them. That's what we're about—finding ways to work with them to accomplish these goals, to create the opportunity and to build the potential of this country that we all know that it has and that it shall always have.

So it is really a pleasure in the sense that the challenges are hard but that the potential is greater. The potential that we have before us outweighs the difficulties that we face, and we have to make that the case. That is our job here in Congress.

So I am glad to be down here tonight to talk about these issues with you because, among all of the highest of high priorities, in my view right now, as a Member of Congress, for the people whom I represent, it's jobs, jobs, and jobs.

Mr. TONKO. Well, Representative SUTTON, anyone who knows you picks that up as the mantra. You share that vision of a renewable form of energy in wind turbines that could be established.

You know, we don't have the luxury to sit around and let this opportunity pass us by. We will have failed generations of Americans if we do not advance a sound agenda for jobs in the energy arena and across the board with all of these aspects and dynamics of job creation. It's not like someone else isn't going to take over, because we are now seeing robust activity in India, in China, in Japan, in Germany, and in other centers around the world. So we have no choice. We cannot be lulled into a false sense of security. As if the recession, deep and long as it is and was, isn't enough and as if the job loss was not enough, we now are challenged by the actions of others who are moving past us.

So, for many, many fair and just reasons—and maybe it's something we don't want to acknowledge—we need to move forward aggressively with a sound jobs agenda that will speak to the heart and soul of this Nation: the working families of this country.

Now, when you talk about energy transformation and jobs that can be created, isn't it ironic that we will hear on this floor debates about whether carbon emission is a reality in our lives, all while these job opportunities are passing us by? Delay here is costly, perhaps into the millions and billions of dollars. Carbon emission? Let's talk about job emission. Let's talk about the job loss because, as we go forward, it will be critically valuable if we can put that focus onto this job package as well as the infrastructure.

While we are talking about energy, water/sewer systems and water treatment centers, I would also say that, in my former life just before Congress—after my years of service in the legislative body of the New York State Assembly—I went over to NYSERDA and led that authority. It is the New York State Energy Research and Development Authority. NYSERDA had many problems it had worked on with energy-efficient water treatment centers. So here are ways to help local communities. Water is the commodity. They say, in the next 30 years, it will be transportation, water, and energy. We need to invest in that infrastructure. Let's do it in a state-of-the-art fashion where we are creating energy-efficient water treatment centers. Let's invest in these centers, and let's help local governments grow their job opportunities. One of the marketable strategies is to have an abundant and up-to-date water supply, a sewer treatment center so that you can have these facilities, that infrastructure, in your midst. I think that is so very important.

As you talk about the American Dream that your dad allowed you to dream that took you to noble levels, it began with education and higher education. So investing in the human infrastructure of education, investing in green schools and in improved schools at the school infrastructure, all of this needs to be part of our package. We know that leadership is responding to that jobs agenda. We know that, as a task force, there is a lot of homework to do.

You have rolled up your sleeves as co-Chair with Representative HASTINGS. The two of you are leading us, along with the chairman of the caucus, JOHN LARSON, and along with many of our standing Chairs, like GEORGE MILLER and, certainly, Speaker PELOSI. All of us working together can make this happen. There are great ideas that every Member is feeding this body, and we need to move forward aggressively but effectively and intelligently so as to create the package which is the greatest pronouncement of economic recovery that we can imagine.

Representative SUTTON, it is great to work with you. I am inspired because of the sort of intellect that you bring to the discussion, and there are many people with whom we have partnered who have it within their hearts and souls and minds to make a difference.

Ms. SUTTON. Well, I am humbled by your words. You are very generous.

I have to say that there are those out there who, on the other side of the aisle—and sometimes we hear about how bad things are and, Oh, my goodness, but we don't hear solutions. You know what? It doesn't take a lot to identify the problems. The American people know what this recession has brought us. They know what happened as the deficit skyrocketed under the

last administration and when the Democrats took over from the Republicans, who were in control of everything for many, many years. Now all we hear sometimes is just about how bad it is. Well, how do you think we got here?

So we are about solutions, and we are about continuing to work on it until we accomplish what we need to for the American people, because nothing ever gets done just by identifying problems. We have to make things happen because we get the results that we create.

Right now, we are living and are trying to fix the results that were created, not by the party of ''no,'' as sometimes people refer to those on the other side of the aisle—because they weren't the party of ''no.'' They were the party in control. They were in control when wages were flat for the American people, when productivity was through the roof and when the GDP was rising as well. So people were working harder. They were working longer, and they were getting less.

In fact, Representative TONKO, I'm going to go down to the well here because I have a graph that will show exactly what was going on.

Mr. TONKO. It's rather dramatic, and to think of what was happening with productivity on a curve and as to what was happening with GDP and with its curve and then contrasting that with the average American incomes, with the household incomes, it is a very painful but telling story.

Representative SUTTON, now that you are by the chart, explain for the American public, if you will, just exactly what was happening through this time frame. Again, there was a lot of work to be done to stop the bleeding. People ask, Well, what are you doing about jobs? What are you doing about the recession? Wait. This took a while to clean up, and now it is time to move forward with the Progressive agenda.

Describe for us, please, where this great recession began and just what the curves tell us on that chart.

Ms. SUTTON. Representative TONKO, last year, when the so-called ''meltdown'' occurred, there were a lot of people where I live, as they listened to the experts say, Oh, we didn't see this coming, who were all saying, What? Are you kidding me? Because we've been living this for quite some time in Ohio.

Part of the reason they felt that way is that, if you look at this chart which is right here, it is entitled: Everyday people were struggling before the great recession began. Productivity, GDP, and median household incomes are reflected on this chart.

□ 2015

And what you will see is that while we saw for many, many years, while here is where our recession hits in a big way, according to the experts, what was happening as we built up to our big recession? Productivity and GDP were going through the roof, and this line down here with this big gap in between these two, this is what household incomes were.

Mr. TONKO. If you will suffer an interruption, if the gentlelady will yield, I think in simple terms what that is saying is some people were doing quite well and maybe perhaps realizing a bonanza and others were asked to live with what they've got and they stayed flat-lined.

Is that perhaps an easy way to place it?

Ms. SUTTON. That's a very descriptive way of explaining what happened. Wall Street was having a party and the American people were in many cases in the position of using credit even to pay for their most basic needs. Then, of course, we know what happened. There were a lot of people in this country who also were subject to ever-escalating fees and all kinds of issues that they faced as those credit issues mounted or they, for goodness sake, got hit with a health issue. Even those with insurance, we know so many were forced into bankruptcy. Why? Because their wages and everything were way down here. As productivity and GDP, somebody was making a lot of money, but it wasn't the American people.

Mr. TONKO. And whose pocket was it coming out of but the American working families. And so when we think about this, the work that we have to do, you know, somebody approved that there be no regulator, no watchdog over the financial sector. Somebody approved that. Somebody said, Let's create a doughnut hole and let people make a record bonanza on the pharmaceutical needs that our American seniors require. Somebody said, Let's give a tax break to the upper income strata and that will trickle down. Somehow that chart is telling us that was a fairy tale; it was fiction, not truth.

A number of these elements now come to haunt us. So bringing about regulatory reform in the banking industry, in the financial sector, a step done just a few days ago; making certain there was a tax cut for middle-income America in the stimulus package, an historic, largest tax cut for middle-class America, part of the stimulus package; making certain that we now start putting down payments onto those issues like our energy infrastructure, which failed miserably in 2003, where we didn't invest in a domestic agenda; ending this off-line, off-budgeting of a war in Iraq that now is finally brought on-budget, to have truth and honesty in the budget.

All of this hit at once. And then investing in a stimulus to stop the bleeding. We had to bring things under control and now talk about the progress that needs to be made, needs to be struck, in not only bringing about jobs but inspiring an innovation economy, those meaningful jobs that will be uniquely American or provide for America's needs through her own workers and allow us to clean the environment, respond to a favorable progressive energy agenda and make smarter outcomes, the outcome at our manufacturing centers, and inspire investments in our public safety workers, our firefighters, our police, and bring back a strength in our education process that won't deny our future workers; our children are our present and our future.

All of this needs to be brought into one intelligent package, as you lead us, along with Representative HASTINGS, Representative LARSON and the leadership of the House under Speaker PELOSI. As we go forward, this will be very important now to create a smart investment out of what was a huge catastrophe where we went again, to repeat myself, from the largest surplus to the lowest deficit, the greatest deficit, and where we could have, had it stayed on course, reduced the deficit to zero in this given calendar year. What a tragedy for all of America, and now the task of building a smart response has begun through the task force and through the leadership of the House.

Ms. SUTTON. Representative TONKO has put it very well in identifying that there are many facets to what we have to do to provide the economic opportunity that the American people need and deserve.

What we see here is that even before the recession, they weren't getting the economic opportunity that they need and they deserve, because their wages were flat, while those at the top were, as I say, reveling in the process and their productivity, the productivity of the American worker.

Mr. TONKO. If I can just ask you to point on the chart what year where we're starting to see the dip for the average household income for Americans. It's in the year 2000, 2001, where it really begins to dip and just continued to decline throughout that 8-year period or so that really inflicted pain upon American households.

Ms. SUTTON. The gentleman from New York is right. It goes completely flat before it falls off the cliff. It has been a struggle for a long time, in no small part because of what you point out. I have heard it said that there was no sheriff and so people robbed the banks. Well, then there was no sheriff and the banks robbed the people. We saw some of that in recent times.

And the American people are smart. They know what was going on, and they know how the economy was working for them. Now it was working a little better than it is for a lot of people now, but the reality is they still deserve better. And so we don't really want to necessarily go back to this place where there's a big gap and all the wealth is concentrated necessarily up here with the American people still not able to get by working two or three jobs.

But it doesn't have to be that way. We want people to make money in this country. We want capitalism to flourish in this country. We want to facilitate that. But people who work and

contribute should be paid a fair wage, and they need to know the security of a job that is going to be there, that opportunity will be there for themselves and for their families, that they will have access to the health care coverage that they need.

That's a point I will yield on.

Mr. TONKO. Representative SUTTON, I will say this. Interestingly in that flat-lining of the red curve on your chart is that period, that 10-year stretch, where we saw health care insurance premiums more than double while that income, that average household income, remained flat. What a painful experience.

And then we all know through anecdotal evidence of the many stories of catastrophic situations where people were hit with—I can think of an example quickly—a 37 percent increase in insurance premiums over 2 years, and left with now one wage earner in a married couple household where they have to pick up $18,000 in medical expenses.

This recovery requires bringing health care into a reformed situation, where there's affordability, accessibility, quality health care, making certain that our Nation's employers and the families are all benefited by flattening and then bending that health care insurance premium curve. There are so many pieces to the puzzle that are coming into play that this House, this majority, has advanced as high priorities: energy reform, health care insurance reform, job creation and retention, making certain that services are provided in our communities, relief to State governments. All of this is part of a package that will be put together in a very academically, sound manner.

And when we do that, I think the working families will be inspired by the sort of attention that they will get because they have not received that degree of empathy, that sensitivity to their struggle and we have allowed this to go far too long. Finally now the recession, we hope, has stopped, the bleeding has been stopped, and we go forward now with the act of rebuilding, rebuilding an economy, but we need to do it cleverly. We need to do it in a way that responds to many of the policies out there that will drive this Nation in terms of smart outcomes, smarter manufacturing investment, stronger energy outcomes, a better and more sustainable health care insurance program. All of these underpinnings of support, along with the job creation, are essential so that the jobs we develop are going to be there for generations and where they will be cutting-edge jobs that have not yet been on the radar screen. If we can do that with the traditional mix of job sector out there, job elements that will be available for our families, then we will have responded in most wholesome fashion. Then we can step back and say that we have begun the process that now will bring a sustainable outcome, a recovery opportunity, and a strong sense of hope that we can build into the fabric of this country.

I think that we're onto the start of a long process. I chuckle when I hear people say, What have you done? The unemployment rate is so high. The people losing jobs are at this count. Where have you been?

I'm a new arrival. You have been working on these issues for the last term and a half. We have witnessed a major collapse that, as you indicated, was very predictable. All the indicators were telling us what was going on. But turning our backs to a situation does not offer comfort to America's jobless or even those who hold a job with great trepidation that they may not have that job much longer.

So, Representative SUTTON, your leadership in this regard, Representative HASTINGS, working with Representative LARSON and Speaker PELOSI, Chairman MILLER and our Majority Leader STENY HOYER, everyone coming together, working through the committee structure, putting this together in a forum that allows us to share openly and with great sense of vision, keen vision, we're going to make this happen. We're going to have a wonderful comeback, I believe.

Ms. SUTTON. I thank the gentleman again for his generous words and his points that are right on the mark.

You started out by talking about the costs of health care and how they've been just skyrocketing as the American workers' wages and American families have been flat; the burden that that has placed on people and the fact of the matter has led so many into bankruptcy. We all know these stories. We all know about those who can't get the care they need when they need it, and it is because of cost.

We hear people out there, some of the same people who brought us the Republican recession and this economy where wages were so flat for ordinary Americans, and they talk about how we shouldn't do this health care reform. The reality of it is, well, you know, no health care reform really wasn't working for the American people whose costs continue to skyrocket; and if we do nothing, the costs are going to continue to skyrocket.

The same is true about energy. There are those who may argue about the merits of what we do, but to do nothing is going to result in the same results that we've gotten from doing nothing, or not taking aggressive action, that brought us the Republican recession. And energy costs are going to go up and up and up while this economy has remained down here.

The good news is, as we take action to fashion this mission of job facilitation for the ordinary American families in this country that are its great strength, that it doesn't have to be this way, that we can all prosper, those who make the most as well as those who are in the middle and those who aspire to the middle class. That's the great promise of this great country.

You've pointed out a lot of the things that we need to do, in investing, research and development and innovation and infrastructure. You've pointed out how other countries in the midst of this global recession are doing that. That, too, is a factor that we can't ignore. We cannot stand still in these days. And to those who participated in bringing us the Republican recession that ended not only in such an increase in the deficit in this country but also resulted in the jobs deficit in this country, some of those same people, Representative TONKO, will stand here and say that it should be all about jobs, that we should be working on jobs.

□ 2030

Well, we are working on jobs. And I know that the CBO has said that through the ARRA, that we have saved or created 600,000 to 1.6 million jobs. And I say to those who have been complaining about jobs, who didn't vote for the American Recovery and Reinvestment Act, who brought us the skyrocketing deficit and the jobs deficit of the Republican recession, you didn't vote for the ARRA, so how many jobs have you delivered or saved for the American people in this short time as we pursue, as Americans, not as Democrats and Republicans, but as Americans, a path to recovery for ordinary families who need and depend upon us?

Mr. TONKO. Representative SUTTON, you're on to a very key factor. The third quarter of this calendar year saw most of the growth, if not all of it in our economy, as something related to the stimulus, inspired by the stimulus, not as great as we would like, some 3 percent, perhaps growth, with a reduction of .3 to .9 percent in unemployment. But it's a start. And I think that when we talk about the transformation that we can do with our energy agenda, with generation, with reduction, efficiency should be our fuel of choice, what we can to do to reduce demand. All of that inserted into a sector like the manufacturing sector allows more jobs because we can reduce the cost of production which, again, the company is competing in a global marketplace.

We hear the stories. We hear the sad tales that are difficult. One in five children lives in poverty in this country. That is driving pain in the lives of so many families. When you hear stories like people having a job for 15 years in the manufacturing sector, now losing it; when I hear a dairy farming couple tell me that they don't think they can afford their daughter's high school graduation ring. We need to address all sectors of the economy, including our agriculture as a sector. The dairy industry needs to be responded to in a way where we provide those who work 24/7 a fair return for the market, for the product, the produce they bring to the market. There are so many challenges that behoove us to be at our very best. And now is the time, after all of this neglect, all of this destruction that was allowed to happen, it's a

huge mess to have cleaned up. And now we go forward and, inspired by the many stories that are real in the lives of people that will inspire our process to respond to people, I think is so key, is so elemental. Elementary statements out there that are made about various factors that drove job reductions in certain communities can be addressed simply by doing it in a wise and sensitive manner.

There are the tools at our fingertips. We are creating that package that will respond to it. This will not be, if we have our say as a majority, I believe, a jobless recovery that is not going to render any sort of hope for people. It resonates with a flatness, with a pain more than a flatness. And so the charts tell it all. The American workers tell it even better when they are left without a job, the dignity of work. We need to be inspired by the past history that spoke to us, the years of Franklin Roosevelt, when a CCC and a works program, a WPA were developed, and they built this Nation and it responded infrastructure-wise to the needs of communities across this country, coast to coast. We have a pioneer spirit of which I spoke that was centered in the mill towns along the stretch of the Erie Canal that gave a westward movement, that brought itself first to Ohio, our neighbors to the West, and then inspired an entire world. We created product designs and invention and innovation that drove a wonderful agenda.

Our hearts are full of the pioneer spirit. It's the American way to solve problems. That's truly the American spirit, and we can do it with the great agenda here.

Representative SUTTON, it has been so wonderful to be able to join you this evening and to work with you side by side on the task force for creating jobs. We have a voice that will resonate on behalf of the working families in this Nation, and we will talk about taking that curve and swinging it upward so that it's not a flat line in the lives of people, because while that red line looks painful, it's even more painful in the pocket when people realize that the job lost and the dollars lost and the opportunities lost are simply so real in their lives that they're counting on us to do our job and do it with tremendous sensitivity. I thank you for your leadership. It's been a pleasure to join you this evening.

Ms. SUTTON. Representative TONKO, we thank you for your leadership of all those you represent in New York and all those you speak for across the country. This is something that we can do in this great Nation, and we can do it together. We can do it. All of us within this Chamber have an interest in seeing our country prosper, and that's what the job creation task force is all about. And we will be back. We will be working in the meantime to make sure that we realize and we do our part to put forward the economic opportunity that the people that, as I said, we're so very honored to serve and represent, what they need and what they deserve.

JOBS AND THE RECOVERY

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Oregon (Mr. WALDEN) is recognized for 60 minutes.

Mr. WALDEN. Well, it's that season. The Christmas season is upon us. And I sort of felt like I must have been at the Nutcracker, because I haven't seen that much spin since the sugar plum fairies in the Nutcracker.

Let's talk about jobs and the recovery. Let's talk about fact and fact. When the American Recovery Act, the stimulus, was raced through this floor on a totally partisan move, we were told to expect that with the stimulus, as you can see here in this chart to my left, that this is what would happen to unemployment.

Now, remember, when the year started and President Obama took office and the Democrats claimed control of the Senate with a 60-seat margin, that can overrun any filibuster—60 seats—and a 40-seat margin here in the House means they are unparalleled in their power and control and ability to pass anything they want anytime they want and sign it into law.

When the year started, unemployment was at 7.6 percent in January of this year. High, by national standards. No doubt about it. Highest it had been in many years. We were headed into a recession. No doubt about it. We'd been through unprecedented times. But we were told if the American taxpayers would just go out and loan the Congress, actually it's not the American taxpayers yet, it's our kids and grandkids that get to pay it back later. Right now we're going to the Chinese and the Japanese and the oil-producing countries and saying, Can you loan us the money? But that's the dirty little secret here. If you'll loan us that $800 billion, whatever it was, here's where unemployment will end up. It's going to just barely go up and come out at about 8 percent. Oh, and by the way, we were told by some of the Democrats who were all for this that if we didn't pass the stimulus into law, that unemployment would go clear up to here.

Now let's look at what really happened. Many of us on the Republican side of the aisle said, That isn't going to work. Just throwing more taxpayer money you don't have, borrowing more money from foreign countries that already have loaned us more than they want to, and throwing that out in rapid succession may create a few jobs, but the long-term implications are dangerous for the future of this country because of debt. And you're not going to create that many jobs. Sure, in a year or two you can't help but create jobs, and we'll talk about some of those because a lot of them are created right here in the Washington, D.C. area, not out in real America, and are not sustainable. But we were told if we pass it, here's where we'll be with unemployment, at about 8 percent. If we don't pass it, gosh, we'll end up almost at 9 percent.

So they rushed it through here. The stimulus rushed through here. And now what are we at? We're over 10 percent unemployment. That's the red line. You see, some of us on the Republican side of the aisle actually come out of the private sector. We actually have signed the fronts of payroll checks like I have and my wife has. For 21, almost 22 years we were small business owners. We took over a very small family business, got it out of debt, on its feet and we grew it in 20 years. We employed 15 to 17 people in small communities in Oregon. I know what it's like to be a small business owner and comply with the heavy hand of government regulation and the burdens of taxation and all the things that you all in government think ought to happen because you know best how to create jobs. What a farce that is.

So we see what happens when you throw money at a problem: You waste it, and you don't create jobs. You see, Republicans did have an alternative. My friends and colleagues who were on the floor here earlier said that we had no alternative. Well, they know that's really not the case at all. In fact, the Congressional Budget Office evaluated both of our plans and said the Republican alternative would create twice the jobs at half the cost.

Now, there are a lot of smart Christmas shoppers out there. Boys and girls, men and women, come closer. There are a lot of smart shoppers out there who look for bargains, and they say, If I could get twice the product at half the cost, that's a bargain. Unless you're the Democrat majority in the House and the Senate and downtown, then you want to spend twice as much and get half as much. You want to tell the American people, Pass my plan and I'll get you no more than maybe 9 percent unemployment, somewhere in the upper 8s. Actually, no, they said it wouldn't go above 8. That's right. They said it wouldn't go above 8.

Whoa. It was at 7.6 and now it's at over 10. And let's talk about what happened to that stimulus. So how did they spend the money? There was an interesting report out in The Hill—$6 million borrowed from your kids and grandkids, actually borrowed from the Chinese, the Japanese, the oil-producing countries that buy our debt, and our kids and grandkids will get to repay this with interest. Six million of those dollars went to now Secretary of State Hillary Clinton's pollster.

I'm not making this up, folks. This is not a fairy tale. Two firms run by Mark Penn, current Secretary of State Clinton's former Presidential campaign pollster, received a total of $5.97 million in taxpayer funds from the Democrat stimulus that you heard created all these jobs, solved all these problems. Burson-Marsteller, a public relations and communications firm run by

Penn, received the funding to advertise the analog to digital television switch in 2008, reportedly saving three jobs at the firm. Three jobs. $6 million. Of the $5.97 million, $2.8 million was also allocated to Penn's campaign polling firm, Penn, Schoen and Berland. At the end of the day, taxpayers spent $6 million to save three jobs. $6 million, three jobs.

How many of you go home to your constituents and say, in a town meeting, Can you loan me $6 million, because I've got a brilliant way to create three jobs for Hillary Clinton's pollsters and public relations people to tell people in America that, by the way, you are going to switch from analog to digital on your TV which, by the way, they were very capable of figuring out on their own. We didn't need to spend the nearly $2 billion that was spent in the overall conversion effort to educate the public. They got it. They're smart enough to figure this stuff out. And if they're not, they've got 12-year-old kids that can figure out how to make the DVD not blink and the VCR not blink. But anyway, $6 million, two jobs. Two million on a dance theater.

Oh, this one you'll like. Los Angeles Times. The Minneapolis city council recently voted to use Federal stimulus funds to convert a vacant, 99-year-old theater into a center of dance instead of funding a solar energy panel manufacturing plant that would have created seven times as many jobs. Now my friends who were talking before me talked about the green energy jobs. Well, here was a perfect opportunity, with your Federal tax dollars, to create green energy jobs and the Minneapolis city council decided to put it into a dance theater instead. The dance project will cost $2 million and create 48 permanent jobs, according to the city.

□ 2045

Interestingly, in the spring newsletter, the theater estimated that completing the project would actually only create 26 full-time and part-time permanent jobs. So in their spring newsletter, they said 26. Now it's reported at 48. The solar energy panel manufacturing plant, meanwhile, that was in competition for that stimulus money received less than $300,000, compared with the dance theater's $2 million, yet the plant would have created more than 360 jobs by 2011. But they couldn't do the right, what is it, minuet? They couldn't spin just correctly. They weren't, I don't know, maybe they didn't have the right tutu on or the right shoes or something. They only had $300,000. The dance theater got $2 million.

Americans could have created 360 jobs in Minneapolis. They made that decision. Councilman Paul Ostroff was the single councilman voting against the Center of Dance saying ''the theater wasn't creating enough jobs to qualify for stimulus money, whereas, the solar energy plant clearly fit the President's goal. It was a home run. It was a home run.''

I told you a week or so ago about the $95,000 being spent to study Viking-era pollen in Iceland. Viking-era pollen in Iceland, $95,000. Having been a small business person I've helped create jobs, and I've watched every nickel. You do that when you're in real America. Not back here. When you're in real America and creating real jobs, and you're trying to get to something we call positive cash flow and maintain that, you watch every nickel. You don't let $95,000 go out the door to study Viking-era pollen in Iceland. You make sure that you invest every cent correctly and effectively. You don't just spend money rampantly. You don't throw it out the door. It's too hard to earn. And you're trying to grow your business. You're trying to expand your business.

That's what the American way is about. My friend earlier talked as if the whole American recovery, the whole economy and the greatness that we have, originated because of some Federal programs in the Great Depression, the WPA the CCC. And certainly they left a nice footprint behind with some of our fantastic park lodges and buildings. And they did some wonderful work. That is not the essence of America's economy. It doesn't start and stop right here in these two wells, the Well of the House or there at the leadership tables. We are not the innovators and creators of jobs. That is out there in America.

Ladies and gentlemen, in the real world, when somebody has an idea, they get a couple of people together who want to believe in that idea, and they put their money forward. They don't go take it from somebody like the tax man or woman does. They put their money at risk. And they say, if we do it a little better, a little smarter, we can be successful. We can create jobs. We can benefit from that. And by the way, it's our money at risk as private citizens. So, we're going to be real careful how that gets spent. We're not going to waste it on lavish offices and all these things. That's the real America out there.

You know what I'm talking about, small businessmen and women. You go behind the counter and behind the wall, and they have a broken-down chair and a computer that's sort of wired together that they try and keep operating, and they have paper piled around. I have been in your offices. I had one of your offices. I can show you the pictures and the piles. I know what it's like to work day and night to make your idea successful. That is the American entrepreneurial spirit that works.

And yet here in Washington under the party that's in power, they know no limit, no limit to Federal government involvement in your life. They know no limit to borrowing, spending, and believing that they should take over your health care. The Democrats want to put a bureaucrat between you, your insurance company, and your doctor. It's bad enough with the bureaucracy that's out there today trying to get health care. I paid for health care for our employees, my wife and I did, paid 100 percent of the premium. I know what those cost increases look like. We never could target enough to figure how much they would go up. And I want to do something to reform health care, and I have supported many proposals to do so.

The irony is the plans coming out of this Congress, these plans however, increase premiums on employers, drive up the cost curve on those of us who are trying to figure out how to make health care more affordable. The Democrats' plan actually drives up the cost curve, drives up the premium, puts mandates on individuals and taxes on small businesses and will cost millions of jobs long term and make America less competitive.

You don't think capital doesn't flow any more? You don't think we live in a global economy? For heaven's sakes. You don't think we need to be on our best game and have the most efficient process available to create jobs and run a business? No. I sit here in amazement. I have spent all-nighters in my business trying to make it work. I have struggled trying to pay the bills, get up early in the morning, trying to figure it all out, trying to cut your costs, trying to create your jobs, save jobs during tough times. We were in business 22 years. I have seen the good times, and we were successful in the end. I have seen the bad times, and I know what that's like.

But I also know that it's important how you spend your money. FOX News reported recently the National Institutes of Health received $8.2 billion in stimulus funds. I'm all for the National Institutes of Health. However, NIH is conducting a $65,472 study on the relationship between HIV and sex in St. Petersburg, Russia. You think I'm making this stuff up, don't you? $65,472 to study the relationship between HIV and sex in St. Petersburg, Russia. I won't even go there. $700,000 on how taxes, trade, and politics affects tobacco sales in Thailand, Malaysia, Vietnam, and other nations in Southeast Asia. $73,000—you'll like this one—to study whether the Asian tradition of dragon boat racing will enhance the lives of cancer survivors—$73,000 to look at whether or not dragon boat racing enhances the lives of cancer survivors.

Why don't we put it into screenings? Oh, that's right. This is the administration that says, women don't really need to do breast screenings nearly as often or maybe at all. That's a report that came out of this administration. How absurd is that? Put your money in dragon boat racing, don't do mammograms. This doesn't make sense to me. And I don't think it makes sense to Americans.

We are looking at some of the other spending. How about this one: $67,726 in taxpayer money to send staff to a customer service seminar, the Green Bay

Press-Gazette reports. The Oneida Bingo and Casino outside of Green Bay, Wisconsin, used a Federal stimulus grant to send their staff to a customer service seminar. The 2-day seminar was held at a local technical college to teach the casino staff how to handle confrontations with customers.

These are the investments. Do you see why some of us, why every Republican voted against that stimulus? We knew it was going to be wasted.

Now let's go to the Congressional Budget Office because they said in the first year or two you can't spend that much money and not create a few jobs, even though they are probably short term. So I give them that. What they look at after that, though, is the debt service cost that actually becomes in the out years, years 3, 4, 5, 6, 7, 8, 9, 10, a debt drag on the economy. It will cost us jobs because you can't borrow $800 billion and not have to pay it back. Even the Federal Government needs to learn that lesson.

Let's talk about the debt, because I think that is the single biggest threat to our country's future, to my son's future, to your children's future, is this enormous theft, intergenerational theft I think Senator JOHN MCCAIN called it, where we're taking money from them. Actually we're just stealing their credit card, and we're using it like there is no necessity to ever pay it back, to buy things today that they get the bill for later.

At $1.4 trillion, this year's deficit is more than three times that of a year ago. I want that number to sink in; $1.4 trillion dollars this year is triple what it was last year. Oh, and who was President last year? That's right, George W. Bush was. So they want to blame the prior administration. And certainly we all had our complaints at times with any administration. But the facts are these: $455 billion deficit at the beginning of this last fiscal year; this fiscal year, under Democrat control, House, Senate, White House, $1.4 trillion.

As a share of the economy, it's 10 percent of gross domestic product. That is the highest level since World War II. Deficits, however, went up under both parties. That's why we need a constitutional amendment to require a balanced budget. The great State of Oregon has had that in its constitution for as long as I can remember, and maybe since Statehood. And it has forced the State legislature and the Governor to make tough decisions to balance the budget. Sometimes I have agreed with those decisions, sometimes I haven't. Sometimes they've raised taxes and sometimes they've cut spending. But at the end of the day, they had to balance the budget.

If you want to reform this Congress, you would require that this Congress, every time, and the President, regardless of party, has to balance the budget. You could have an exemption if you're at war or in times of emergency. I understand that the Federal Government has some unique roles to play. But this is spending with reckless abandon. This is out of control. Debt held by the public rose above $7.5 trillion, or over 50 percent of gross domestic product, the highest level of the share of the economy in 50 years.

When Speaker PELOSI took over, it was at $8.9 billion—trillion dollars. Sorry. It's so hard to keep track of billions going to trillions. We used to—well, I think 100 bucks is a lot. When you're spending taxpayer money, we're talking billion, millions, forget it; billions, we don't even go there any more. We are now talking trillions.

So when Speaker PELOSI took over, the national debt was $8.9 trillion. Now why does that matter? The House controls the purse strings of what gets spent. So whoever controls the House starts every spending bill. That's how the process works. It's simple civics. The House, the United States House of Representatives, this body, you men and women who are watching or here tonight know that that's how it really works. The President can veto it, but at the end of the day, it's the House and the Senate that get together. The Congress controls the purse strings. The House originates these things.

So $8.9 trillion; the debt is now $12 trillion. Every man, woman and child in America is responsible for at least $39,000, and it's going up to $45,000. Under the President's budget, the debt is projected to double in the next 5 years, triple in 10. It will be roughly three-fourths the size of the entire economy by 2019.

Now I want you to think about a debt that goes to $17 trillion, $18 trillion, $19 trillion, $20 trillion, and how you ever pay that back. When Republicans were in charge of the Congress and before the 9/11 attacks and the wars broke out, we actually paid down debt, half a trillion dollars worth. It was a proud moment for our country and for this Congress and for both parties. But it was really Republicans who drove it. We had a Democrat President. We worked in a bipartisan way to get it done, though. And the economy is strong. And we paid down debt.

Now go with me on this. Ladies and gentlemen, boys and girls, get closer to that TV because we're going to go through some math here. I was a journalism major, not a math major, but I think I can figure this one out. Twenty trillion dollars is at issue here. To pay it off, presume that Congress would have to run a surplus of $1 trillion a year for a 20-year span and not spend it, actually apply it to paying down the debt. How many in this Chamber tonight think that's going to happen? Raise your—well, nobody raised their hands. Because nobody believes Congress will ever run a trillion dollar surplus under any condition and apply it to pay down the debt.

That's why these issues today in our country's life are so critical, because we have taken our kids' and grandkids' and probably great grandkids' credit cards and spent like there was no reason not to. And they're going to get the bill.

According to The Washington Post, when adjusted for the inflation, World War II, the Korean War, the interstate highway system, the Vietnam War, the race to the moon, and the Iraq War added up to $6 trillion. We are now at 12, and we are headed to 20. In comparison, the government will borrow $9 trillion over the next decade.

Now, let's go to a bill that just came up in this House Chamber. It's called the omnibus. Whenever you hear that word, shutter your children's eyes and ears. Omnibus. It's really a bad thing. American families are hurting. Ten percent unemployment. Democrat leadership responds with a massive spending bill last Thursday. Last Thursday this came forward. And let me talk to you about that bill; 2,500 pages, nearly half a trillion dollars in spending, 5,000 earmarks on hundreds of pages, and we, under the Democrat leadership, we in the House of Representatives—do you know how much time we were given to read it?

Now I'm not Evelyn Wood. It takes me a little more, I'm not a great speed reader. We were given 2 days to read the bill since the conference report was filed.

□ 2100

Two days. Half a trillion dollars was spent. Two thousand five hundred pages, 5,000 earmarks, and we were given 2 days.

The omnibus contained appropriation bills—$446.8 billion for those keeping track. So half a trillion, 12 percent over the combined funding levels for the same six appropriation bills last year. How many of you got a 12 percent raise? How many of you would just like to have a job? How many of you got a 12 percent raise? These six spending bills gave your Federal agencies a 12 percent increase in spending.

Now, there will be those that will say, Oh, but it was for this, it was for that. Everything is wonderful when you're giving it away. Everybody wants to be Santa Clause. There's a big bag in the back of the sleigh parked right behind the podium here, I'm convinced of it. There are more presents than there are kids right now when it comes to this Congress; the problem is we don't have the elves' workshop at the North Pole. We've got kids at home and families at home who are unemployed trying to figure out how to make ends meet. You would think that this government was running a huge surplus and would be able to help them, but no, we're running a huge deficit that hurts jobs, takes away jobs, and they spend 12 percent more.

Some of these bills, the Transportation-HUD bill was up 21.3 percent; State and Foreign Operations up 33.2 percent. In addition to the normal appropriations, the agencies funded in this omnibus received a total of $128.2 billion in supplemental funding in the

stimulus bill that we heard about earlier. So when you heard about this stimulus, the American Recovery Act and how evil it was the Republicans didn't vote for it, remember where a lot of that money went; it went back into the government. It didn't go out into middle America. It didn't go out into rural America. Some of it did, certainly, but it did not go very far outside of Washington.

So here is the final tally: The omnibus spending bill I just referenced brings new spending for nondefense, nonveterans discretionary programs to a level 85 percent higher than 2 years ago.

Mr. POLIS. Will the gentleman yield for a procedural motion?

Mr. WALDEN. I will be happy to yield to my colleague.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–379) on the resolution (H. Res. 973) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

JOBS AND THE RECOVERY—Continued

The SPEAKER pro tempore. The gentleman from Oregon may proceed.

Mr. WALDEN. Mr. Speaker, I assume that that is the rule coming out of the Rules Committee that provides for same-day consideration of four pieces of legislation. Would that be correct?

PARLIAMENTARY INQUIRY

Mr. WALDEN. Could I ask a parliamentary inquiry?

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

Mr. WALDEN. Does clause 6(a) provide for same-day consideration of the bill?

The SPEAKER pro tempore. The gentleman is correct that clause 6(a) of rule XIII addresses same-day consideration of a rule.

Mr. WALDEN. Thank you.

So what you've heard there is a procedural action that has importance because it comes right in the point I'm talking about with the omnibus, where we had 2 days to consider a bill that costs American taxpayers half a trillion dollars.

What is coming up next are the four ''go home'' bills. These are the four bills we've got to pass in order to wind things up before Christmas, and they will take these up tomorrow. I haven't seen them, have you? Have any of you? Nobody here has seen them. Maybe they have in the Rules Committee which just apparently has finished its work, but we haven't seen them. They will raise the debt. They will spend—well, I don't know. I'm told one of them is going to spend tens of billions of dollars; I don't know how much, don't know where.

There will probably be a continuing resolution to fund the government because the Democrats, who control the House by a huge 40-vote margin, 41, the Senate with 60 votes, and the White House, even with that massive, overwhelming, powerful control, couldn't pass the budget bills by the time the fiscal year ended.

Now, in America, in real America—that's the area outside the Beltway of Washington—if you don't pay your bill on time, what happens? What happens? You get an interest penalty. What happens? Somebody says, hey, you're behind on paying your bill. When it happens here, nothing happens—except it will come November of 2010, I predict, because I think Americans have had enough of what's happened here.

But what happens here is they didn't do their work, they didn't finish the process, they didn't pass the budgets, they didn't meet the deadlines. So now we've punted into 2010 for the budget year we're already in. Both parties have done this. That's why we need to reform the process. But, hey, they control 60 in the Senate; that gets you past any filibuster, 60 votes. They control the House with a huge margin, and the White House, and not even with those margins, with single-party powerful control of both Chambers of Congress and the White House could they pass the budget bills. That's why you had the omnibus at the end of the week where they lumped six of them together and jacked up the spending by 10, 12 percent.

So here's the final tally: The omnibus brings the new spending for nondefense, nonveteran discretionary programs to 85 percent higher than just 2 years ago; 85 percent higher spending by the Federal Government. You want to know where your money is going? Out of your paycheck, into this body, and out into the bureaucracy.

So it should come as no surprise during this time—which tracks with the recession that has eliminated 2.9 million American jobs—the salaries of government bureaucrats have exploded. According to a story in USA Today, Federal employees making salaries of $100,000 or more jumped from 14 percent to 19 percent of civil servants during the recession's first 18 months. And you wondered where the money is going.

Let's go back to the Republican plan because, once again, when it came to the deficit, a lot of us came out of the private sector, small business. Every business that makes jobs is a good thing, frankly, in America these days, but I happen to come out of small communities and represent a district that's 70,000 square miles of gorgeous country, high desert plateaus, forested mountain ranges, wonderful agriculture. We believe in renewable energy—hydro, wind, solar, geothermal. Renewable energy matters. It's a good thing. And Republicans actually have supported renewable energy—I have and will continue to as long as it's reasonable and doesn't jack up rates.

But you look at what's happening right now with the Speaker taking a government jet over to Copenhagen with a whole bunch of Members of Congress. They're going to go to that climate change conference.

Now, let's look at what happened here in this Congress when they passed the climate change bill, the global warming bill. I was on the committee that dealt with that legislation and it passed in pretty record time. It's a $700, $800 billion cost. But what does it mean to you as an individual American out there? Well, let me tell you. If that becomes law, it means the loss of probably 2 to 5 million American jobs because companies will look at all requirements and say either, I can't afford to continue to operate and I'm closing my doors, or I found a cheaper place to manufacture my product than the good old USA, so I'm going to go and open a factory in China or India that doesn't play by the same rules that this law has and I'm going to move my jobs over there. Sorry. Just one too many things.

So for the average American, it means the loss of a couple million jobs. This is being done intentionally. They are passing this knowing what the estimates show from the National Association of Manufacturers, the Black Chamber of Commerce, and other organizations that have looked at this legislation, this cap-and-tax, cap-and-trade legislation. They've said, we've run the numbers; this is going to cost us a lot of jobs, puts new taxes on it. It is a huge, big Federal involvement in everything you and I do in this economy.

But what else does it mean? If you're a consumer and you happen to live in the great Northwest and are a customer of Pacific Power, they've reviewed this legislation, they've run it through their power production model and out comes the data. The data on what the cap-and-trade that the Democrats passed, Speaker PELOSI's bill, would do to a Pacific Power customer in Oregon and the rest of their region is, in the first year your electricity rates, as high as they are today, will go up 17.9 percent. You know, maybe this is the year you do want coal in your stocking. 17.9 percent is what your electricity rates will go up.

Now, that's bad enough. Maybe you have put in the fluorescent lights—and I think Oregon has been a real leader in that effort—to reduce your energy consumption, maybe you've weatherized and caulked, done all the things to reduce your energy consumption, maybe you just crank it back down to 67 instead of 68 degrees in the winter and not run air conditioning in the summer. You do everything you can.

Maybe you can adjust for that. But here's what it does when you go to the gas station. There are estimates out there that say the cap-and-tax bill that Speaker PELOSI and others in this Chamber passed will drive up the cost of gasoline in America by 50 cents, 60, 70—some say as much as $1. Nobody really knows for sure until it takes effect.

Explain this to me. This is like bad Santa. Explain this to me. This isn't the present I want. I don't want higher gasoline prices. Don't you think that had an effect on our economy? It certainly did on the families I talked to at Grants Pass and Medford and John Day across my district that commute great distances.

You know, if you're a farmer or a rancher, you saw what it did to the price of your fertilizer when natural gas went up. You saw what it did when diesel went up to $5 a gallon. We should be accessing America's great energy resources, not importing them. We should be working toward new fuel-efficient vehicles and backing up that research. I actually drive hybrids on both coasts. I'm fortunate in that respect. I want to reduce my fuel intake and consumption, and I just don't like sending the money overseas where we get a lot of our fuel, frankly. I want to do my part. I am fortunate and able to do that now. A lot of people aren't; they're stuck. They can't buy a new car right now. They might not even have a job. My State is like the sixth highest unemployment in the country. I've got five counties that are lingering right at 20 percent unemployment. This is tough.

Rather than access our great oil and reserves that—by the way, there are estimates that at the peak price of gasoline in this country, that America's great oil and gas reserves, if not blocked off by the Congress, the Democrat-controlled Congress, if we had access to those, it would produce a value of $60 trillion. Now, that was at the peak of the value of gas and oil, certainly, but let's say it's off by half and it's only $30 trillion. Remember that debt I talked about earlier, the debt that could be $20 trillion? What if we actually developed our own oil and gas resources in America, became less dependent on Hugo Chavez and Venezuela or some of the other countries that frankly aren't real friendly to us? What if we stopped funding some of the things they do that actually work against our way of life by not spending money on oil? What if we developed our own resources? And they will say, well, it will take you 10 years. Well, let's get started. That's my view. Let's get started. While we work on a transitional vehicle that doesn't have to use oil and gas, which I'm all for; but in the meantime, there are a lot of working Americans that have to take that pickup, hook up that horse trailer and go out and do their work on the cattle ranch. There are a lot of people hauling things back and forth so that our economy functions; $3, $4 and $5 diesel about killed them economically.

So why don't we access our great oil and gas reserves? We should. And we generate revenue to the government that, if you had a fiscally responsible Congress, would use to pay down the debt and pay down the debt before our kids come of age and our grandkids come of age. That is the Christmas present I would like to see. That actually would be like sort of good Santa as opposed to bad Santa. Bad Santa says, we're taking away everything we have. We're going to rely on foreign imports for oil and gas. We're going to jack up your electricity rates. That's not Christmas like I know it.

I want a real Christmas, where we put people back to work in the private sector, not trying to figure out something about Viking era pollen in Iceland—that's where some of your stimulus money went—or jobs that last a day or two or a week or two and then go away and get counted as if they're permanent. I want permanent, family-wage jobs. This country can get back on its feet if we get this Congress out of the way.

But as I talk to business people, I hear time and again, I can't keep pace with the change coming out of Washington. You're changing everything related to energy. I don't know what those costs are going to be, I don't know where you're headed, I don't know how I'm going to deal with that.

And then health care takeover by the Federal Government, same sort of thing. Is the government going to run all this? Am I going to run all this? What's that going to cost me? Am I going to pay a penalty? There's another couple million jobs projected to go away with the government takeover of health care.

And the debt. People who do have some money and want to invest in a start-up company are sitting on the sidelines because they don't know what is going to happen on tax policy. Do the tax reductions that spurred a very strong economy go away or do they stay? Do people who have some level of wealth lose it all to the Federal Government on New Year's Day of 2011?

□ 2115

Do their kids get to continue the family farm or family business, or does the tax man show up with the undertaker? That's the choice. That's the choice.

It doesn't have to be that way. We can create real jobs in this country.

Let me tell you about the other real jobs you can create, and that is in the great Northwest woods. Now, you have heard me on this floor before advocate for bipartisan legislative changes, changes in the law that have achieved broad support in this Congress to allow us to go out and be good stewards of our Federal forests. Teddy Roosevelt created these forests in 1905. He began that process with the great forest reserves.

He said in a speech in Utah that the purpose of these reserves was twofold: to make sure that we had good clean water for agriculture, and that we had timber for homemaking, homebuilding. Now, those are the two purposes he outlined in a speech in Utah at about that period. Those are the purposes. Now, we know we have evolved since then. Clearly, though, we have not evolved from wanting good, clean water, healthy green forests. We do need lumber.

The choice that the liberals have made in this government and in this Congress is away from active management to locking things up and calling it management, calling it preservation. As a result, you have forests across the West that are overgrown and choked. They can't breathe. You are standing on their air hose.

Meanwhile, you have all this ladder fuel building up underneath them because for 100 years we have suppressed fire. Smokey Bear worked, convinced us we can go stop forest fires. We spend tens of millions, hundreds of millions of dollars, whatever the figure is every year to fight fire. It's over half, I believe, of the Forest Service budget now goes to fight fire when we should be doing the work on the ground to prevent fire. We should get these forests back into balance, get that ladder fuel out of there.

It used to burn up naturally, but we started fighting fire, we allowed it to grow up, and we quit managing. The outcome is like your yard when you never prune or clean or weed or mow or do any of that. It just becomes a mess and out of balance until something catastrophic happens. The catastrophic thing that happens is fire.

Fire is the great equalizer of the forest. It is the biggest clear-cutter out there, and it is devastating when there is such a fuel load as exists today. The fires burn and they release enormous amounts of carbon, not only carbon dioxide but also all kinds of pollutants into the atmosphere, including particulates that are equivalent to vast volumes of automobiles on the highways.

Now, you are not going to stop every fire. Nature has a wonderful way of continuing to participate in the management process. We can get out and protect our watersheds and we can put people back to work, because this really is about jobs, jobs in the woods.

In my district, where we have 20 percent unemployment or nearly so, and it is probably actually higher than that in some areas because people have given up—we are sixth in the country with unemployment—the policies of the Federal Government on Federal land have been so over the top that we have lost the jobs. We have lost the mills. In some communities, they are close to losing hope. Nothing this Congress has done has helped them in a measurable, sustainable way.

Last week, my colleague from Washington State, BRIAN BAIRD, who, unfortunately, just announced his retirement from this body, he and STEPHANIE

HERSETH SANDLIN from South Dakota, WALT MINNICK from Idaho, CATHY MCMORRIS RODGERS from Washington State and others who care about our great forests, offered up legislation to take a successful law we passed in a bipartisan way and expand it out over what they call condition class 2 and 3 forestlands and allow our professional scientists, biologists, geologists, hydrologists, all the people involved in forest management to get out there, get unshackled from the courtroom and the computer, get away from the lawsuits and, well, the litigation, the lawsuits, and get out and actually do what they were trained to do. Get our forests back in shape. Protect the watersheds and the environment. Put people to work.

I mention that we use lumber in this country. This is a carbon sink right here, this podium. This is wood, you know that. This is wood. This is a carbon sink. This was a tree once. What we do now is we put off limits our Federal forests for active management and harvest, for the most part. Instead, we import wood from countries that have virtually no environmental, enforced environmental rules. As a result of that, we just shift the problem and make it worse somewhere else. Rather than responsibly managing our forests, we let them go up in smoke. We have catastrophic, destructive wildfire that does terrible damage to our watersheds and habitat, kills firefighters, kills people in their homes, burns up their homes.

There is so much we could be doing if we got an economic model that works. It's not just because we don't spend enough Federal money. You know, one of the things that drives me over the top, over the edge, off the cliff, is when people say to me, If I just had more government money or more government employees, I could solve that problem.

We are at a debt load that is unsustainable. Not every problem demands a government solution from Washington, D.C. In fact, we should be more creative than that. You know, spending somebody else's money isn't that hard. In fact, you can throw it away, as we have seen with a lot of the stimulus money. Throw it away, the causes and programs that study in pollen from Vikings. I have got to find out about those Vikings with pollen. I don't know if they used Claritin or not, but something was going on there.

You can throw money out the door, flush it away. Those of us who have been in the private sector, small business, know that every dollar is hard to get. Making a profit ain't easy; it's tough. That's why you are so tight with your funds.

You know that the good times come and the good times go. If you are successful enough, you try and set aside a reserve for those bad times. Yet, in this Congress, oh, my gosh, it is out of control in terms of the spending and the deficits.

You know, the omnibus that passed last week, the bill that spent a half a trillion dollars, we had 2 days to even think about it. It's just not the way to legislate. It's not responsible. It's not becoming of this body. It is not how we should operate, regardless of which party is in control. Right now, the Democrats are in control, so they get the glory and they get the responsibility, and it needs to change in terms of how we operate.

My colleague, BRIAN BAIRD from Washington State, and several Members on both sides of the aisle supported an effort to get it some reform that said we should change the rules of how this House operates so that the American people, the Members of Congress, and the press could see legislation on the Internet, the great equalizer of information, on the Internet at least 72 hours before it comes up for a vote on this House floor. We are talking 72 hours. Now, I think it ought to be 2 or 3 weeks, by the way.

Remember, this omnibus spending bill was 2,500 pages. Nobody in here read it before they voted on it. I voted against it, by the way, because I think it's irresponsible. I wasn't alone. I think every Republican voted against it, just like we did against the stimulus. This stuff is not responsible, folks. There are alternatives we have offered, not on that one, because I don't think we were allowed to, but certainly on the others. On health care and on energy and on creating jobs, we have offered real alternatives, and we will talk more about those in subsequent evenings.

This notion that we should have 72 hours should be bipartisan. I say to my colleagues, I guarantee you, if that resolution to change how we operate in this assembly were to come up for a vote and it said we get 72 hours, these bills go on the Internet for 72 hours so the whole world can read them and understand them—and, by the way, give us input of what may be wrong in them before we vote on them. That's a concept that's novel. If that resolution were brought to this floor and the yeas and nays were called for, I doubt there would be a dissenting vote. Does anyone in here think there would be a dissenting vote? Nobody would want to go back to a town hall and say, No, you shouldn't have 72 hours to read the bills.

You know, I began to ask this question when we were taking up the cap-and-trade bill, cap-and-tax bill, the global warming and climate change bill in the Energy and Commerce Committee, the administration Cabinet secretaries who came before us to tell us the great, wonderful nature of this legislation. I asked a simple question of every single witness that came before us: Have you read this bill? Have you read this bill? With one exception, and that person was right at the last hearing we had the last day and I think maybe saw it coming, everyone said, Well, no. Well, no, I haven't really read the bill, but I know the concept.

We ought to have at least 72 hours to read the bills. That ought to change.

Now, I know when I filed a discharge petition, and that goes in a box over here—or, actually, not in a box. They keep track of it over here on a ledger. All it takes is 218 Members of the House, which is a simple majority, to go sign that petition and then it comes up for a vote. But the Democrat leadership in the House has made it very clear to their Members not to sign the petition. Only six of them have. I commend those for standing up for what's right for this body and this process and for the American people, those six who signed it. The others have buckled at their knees, apparently, and refused. They have walked away. It's available today to be signed, tonight, tomorrow, when we come back in January. The American people are watching. They know that this would be a good thing. They know that this would be a good thing.

I see we now have the omnibus which has arrived. When we talk about 2,500 pages of spending, this is it. This puppy is 2,500 pages of spending. This is what the Congress was given 2 days to work its way through. This is half a trillion dollars. Have you ever seen half a trillion dollars? This is it, right here, half a trillion. Come on down, we will get it half price, half a trillion dollars.

Do you wonder why the deficit is so big? No time to consider this thoughtfully, thoroughly, rush it through. Rush it through, 2,500 pages.

The stimulus, the Recovery Act that spent $787 billion. You know, I told you we had 2 days to consider this omnibus spending bill, 2 whole days, count them. When the stimulus bill passed in February of this year, the House was given 12 hours to review it, 12 hours. It was 1,073 pages, 1,072 pages, spent $787 billion. Remember, that's where that Viking pollen study in Iceland comes from, or the sidewalk around a casino or sending casino workers to sort of sensitivity training. Don't be so rough on the slot machine. Be nicer to the craps table. I don't know.

Cap-and-trade, passed in June; $846 billion is the cost of that bill, according to the Congressional Budget Office, 1,428 pages, 1,428 pages, 16½ hours to consider it. Oh, by the way, they dropped a 309-page amendment at 3 o'clock in the morning. Now I am going to tell you, nothing good happens at 3 o'clock in the morning. Nothing good happens at 3 o'clock in the morning. You can get hit with a golf club at 3 o'clock in the morning, 309-page amendment, 3 o'clock in the morning, 16½ hours for consideration.

The health bill, introduced July 14, 12:51 in the afternoon, $1.28 trillion. Remember, we are talking T's now. Forget hundreds, thousands, millions, billions. We are now, in this Democrat-controlled Congress, talking trillions. With 1,026 pages in the committee upon which I serve, the Energy and Commerce Committee, we were allocated a whopping 14 hours and 9 minutes before

we started voting on that bill. Remember, I am including the all-night hours, all-night hours.

According to a newspaper here on the Hill, actually, The Hill, Democratic leaders have waived transparency rules at least 24 times to rush votes this year alone, 24 times. Twelve of those bills were available for less than 24 hours.

□ 2130

This omnibus bill back here, half a trillion in spending, just this last week passed 221–201, no Republicans voting for the bill. Increased funding for Federal agencies, 12 percent. Some as much as 33, some as much as 21. The final tally for this omnibus new spending for nondefense, nonveteran discretionary programs took it up to a level of 85 percent higher than 2 years ago. Eighty-five percent higher than 2 years ago. The debt up $1.4 trillion. The deficit this year, $1.4 trillion, in 1 year. It wasn't that many years ago, and, of course I'm getting older, I think it was in the eighties; so it's been some 20 years, I think our whole national debt was only a trillion dollars, which was an enormous amount then. Now it's going up by more than that annually.

This is a freight train without brakes. This is a runaway train that's headed off a cliff, and it's going to take Americans with it if we don't put a stop to it. You cannot continue down this path. You cannot continue down this path.

We tried to figure out how some of this money has been spent. The press is doing its job. The New Orleans Times-Picayune. Details: Louisiana has seven congressional districts. So Louisianans visiting recovery.gov, that's the Web site where all this stuff is posted so there's great transparency and accountability. Remember, this was the Web site the President and the Vice President, JOE BIDEN, said by golly, you're going to see it all out there. So Louisianans visiting recovery.gov found themselves just skeptical but truly puzzled to see nearly $5 million was listed as headed to Louisiana's Eighth Congressional District. There are only seven. Not eight; seven. That site also listed the 12th, the 26th, the 45th, the 14th, the 32nd, and, my favorite, 00. I don't know if that's 007 or if it's—I don't know.

According to Ed Pound, Director of Communications for recovery.gov, the site relies on self-reporting by recipients of the stimulus money.

This is oversight? This is transparency? I mean, this is a government that can't figure out who's going to the White House for dinner that's spending your money, and this is transparency. Pound said information from FederalReporting.gov has been simply transferred to recovery.gov. And no one checks to verify its accuracy or to take note of the fact that Utah doesn't really have seven congressional districts; it has three. South Dakota has one, not 10.

Pound: "We're not certifying the accuracy of the information. We know what the problem is and we are trying to fix it," he said. Asked why recipients would pluck random numbers to fill in for their congressional district, Pound replied, and this is my favorite, "Who knows, man. Who really knows. There are 130,000 reports out there."

Somebody should know. It's your money. Well, again, it's not really your money yet because we borrowed it. Congress borrowed it from the Chinese, the Japanese, all kinds of lenders, oil-producing nations that we pay exorbitant prices to for the crude oil because we don't access our own resources here. They're the ones doing it.

Talladega County, Alabama, claimed to have saved or created 5,000 jobs from only $42,000 in stimulus funds. That's 5,000 jobs, $42,000 in expenditures. Now they're efficient. That would be $8.40 a job. Now there are some cheap places to work, but I don't even think Alabama is paying their people $8.40 a job, though; so there's something wrong there.

Belmont Metropolitan Housing Authority in Ohio reported 16,120 jobs saved or created for $1.3 million. Now, that is efficient too. So congratulations to Belmont. That's $80.64 a job.

Folks, the government is not the creator of jobs, not jobs that are sustainable, because you have to take money away from those who have it to redistribute it, and it's not being done very efficiently, affordably, transparently, or with accountability.

And how long do these jobs last? I want jobs created out in the private sector that fund the government, and by that I mean if you have a vibrant private sector, people are paying taxes. If businesses are making a profit, they're going to pay a tax, pay a lot of tax. Individuals earning a salary, earning a wage, they're paying tax. Ask them. That's what funds government. It's not the other way around. And that's the difference between many of us in this body is there are those who believe every problem needs a Federal solution regardless of what it costs now or in the future. That's why you need a balanced budget, a requirement in the Constitution to keep both parties in check.

We need to get this house back in order, and I mean the global house, the U.S. itself, how money is spent, how it's allocated, what we do with it. This is obscene. It really is. All I see is just one government takeover after another.

Now, is there room to do more oversight where it's necessary, fix markets where they're broken? Yes. Will we debate how far you go in that? We should. But we should do that in an open and thoughtful manner. I've served on some nonprofit boards, a hospital board, a business association board, and we'd have vigorous debates, but we always did it with the notion of common good. We'd bring what we had to the table, and we would try to find a solution.

I thank you, my colleagues, for letting me share those comments with you tonight.

EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Wisconsin (Ms. MOORE) is recognized for 60 minutes.

Ms. MOORE of Wisconsin. Mr. Speaker, it's such a privilege to stand in the well of the House of Representatives.

Each time I stand here, I just shiver and shake and think about just how I got here and the unusual circumstances that have allowed me to be here. Really coming from a very poor background, parents who had very, very meager means. But it was because of an educational opportunity that I'm able to be here with you and to speak with you here this evening.

You've heard it all from the well of the House of Representatives, Mr. Speaker. You've heard about all of the problems that we have in our economy. And this evening I want to talk to you about the importance of reestablishing ourselves in the world as a nation that is graduating students from college and producing the next generation of innovators and engineers and doctors and scientists and teachers so that we can reestablish ourselves in the world and continue to enable our economy to grow. But, of course, you've heard about all of the problems that sort of crowd out a really important discussion about the importance of funding educational opportunity.

You've heard about the two wars and the escalation, which is going to cost us $30 billion. You've heard about the war spending. Between 2001 until 2009, we've spent just under $950 billion for Iraq and Afghanistan, and we've just included another $139 billion for both wars. In July, the DOD was spending $11 billion a month on both wars. And CRS projects that we're going to be spending another $400 billion to $900 billion in the next 10 years.

You've heard about the entitlement programs, Medicare and Social Security, and how they're in danger and how we have to fund that. You've heard about the escalating health care costs consuming 20 cents of every consumer dollar in the so-called takeover by the government of health care. You've heard about the great recession where as many as 700,000 jobs were lost in a single month in the last 15 months. You've heard about the financial systemic risk that threatens the economy not only of the United States of America but of the world, requiring countries, including this one, to develop billions of dollars in stimulus funding. You've heard about various proposals to right ourselves and to justify our economy. You've heard proposals to just simply reduce spending. You've heard proposals to give tax breaks to the wealthy and that these tax breaks will somehow trickle down to support those workers and small businesses. And you've even heard whispers of raising taxes. And very few people raise as a solution to this problem at looking hard at what we're doing in terms of

advancing post-secondary educational opportunity.

That's why this evening, Mr. Speaker, I'm so happy to be joined by my dear friend and colleague from Virginia, Representative BOBBY SCOTT, who serves on the Labor and Education Committee and I'm sure will give us some valuable information about the importance of preparing the next generation of students.

Mr. SCOTT of Virginia. I thank the gentlewoman from Wisconsin for talking about education and talking about the importance of educating all of our young children.

Quality education is more important today than ever before with the rapid development of a global marketplace. We find that we're competing not just with cities across a State or even cities across the Nation but cities all over the world.

We can't compete with other countries on things like lower wages. There are people who work in other countries for wages that we can't compete with. We can't necessarily compete in terms of location. You don't have to work right next to your coworkers anymore. If you can work across the hall from your coworkers, you can work across the globe from your coworkers. And in manufacturing, if you manufacture something, you don't have to be that close to your customers. You can ship things overnight from almost anywhere. In the global economy when you're trying to get a plant financed, there used to be a time where you had to locate the plant in the United States because you needed financing. Now with worldwide banking, you can put that plant anywhere that you want.

The one reason that businesses would want to locate in the United States or in a particular community is because they know they can find well-educated workers. So education becomes the competitive advantage. And when you start looking at the location, you know you can get the good workers. You know that the communities will benefit by having a good education. We know these communities that invest heavily in education suffer less crime, pay less welfare, and we know the individuals benefit, the students benefit with a good education. There's an old adage that says ''the more you learn, the more you earn.'' The more education you get, the higher your income will be. So we need to focus on education if we're going to maintain our competitiveness.

But, unfortunately, we're finding that we're slipping in terms of math and science on any international basis. We used to be fairly high. We're kind of drifting down. We're kind of in the middle of the pack right now but dropping. We used to be number one in graduating our students from high school. Now we're dropping. We used to be number one in those going to college. We used to be number one by far. Now many countries are having more young people go to college and graduate from college than in the United States.

Ms. MOORE of Wisconsin. Reclaiming my time, I guess what I'm recalling is a country where, I mean, we invented the telephone. We invented the automobile, the television, the camera, Google, iPod. We've made major medical breakthroughs. We discovered the cure. We discovered Penicillin and practically eradicated polio by developing the vaccine. And we've done this because we have been number one in the world for developing a brain trust.

So I guess I'm sort of curious about the statements that you've just made that we no longer have the smartest students or the best workforce and that we're no longer leading in innovation and technology.

□ 2145

Mr. SCOTT of Virginia. If the gentlelady would yield, that's why we need to remain competitive and make sure that all of our students have an opportunity to go to college. We need to make sure that they have the knowledge to be successful, and we need to make sure that we are making those investments in early childhood education, in elementary and in secondary, and are making sure that all of our students have access to college. That means we have to make sure we continue to invest in Pell Grants and to reduce the interest on student loans so that everybody can get into college.

One of the things we also have to do is to make sure they have the support, and not only the encouragement, to go to college. They need the financial access but also the support so they can stay in college. That's why the Federal TRIO Programs are so important—Talent Search, Upward Bound, Upward Bound Math and Science, Veterans Upward Bound, and Student Support Services. Once they get into college, there are the educational support centers and the Ronald E. McNair Post-Baccalaureate Achievement Program.

The TRIO Programs encourage low-income and first-generation students to think in terms of college. For many of them, it's just not an expectation in their families, so they think, after high school, that's going to be about it. We need to instill upon them an expectation that, if you can do the work, you ought to continue your education. The TRIO Programs are extremely important in making sure they have not only the financial access but the support once they get there so that they can graduate.

Ms. MOORE of Wisconsin. Will the gentleman yield, please?

Mr. SCOTT of Virginia. I will yield.

Ms. MOORE of Wisconsin. This administration has been very good on financial aid, and this Congress has been great in providing financial aid. As a matter of fact, between fiscal years 2001 and 2009, the Pell Grant has seen an increase of over $27 billion. Now, these TRIO Programs that you talk about have a funding level of $853 million. That is less than $1 billion to the Pell Grant of $27 billion.

While providing financial aid to students is a great strategy, can you tell me why you think it is so important to fund these TRIO Programs in addition to the Pell Grant? Aren't we making a big enough investment in Pell?

Mr. SCOTT of Virginia. Well, we're not making enough of an investment in Pell. We need to make those investments because the cost of college is going up even more than the increases in Pell Grants. We have done a lot in Pell Grants in the last few years. After several years of no increases, we have made significant increases in Pell Grants, but the Pell Grant still does not pay as much of a portion of your education as it used to. It used to be that, with a Pell Grant, you could almost pay your entire tuition—room and board—at a State college. Now it's about 30 percent, and you've got to come up with the rest. With a Pell Grant, people back in the '60s and in the early '70s could work 15 hours a week at a little part-time job and could work their way through college. Today, even with a Pell Grant and while working 40 hours a week, it is still very difficult to work your way through college. We need to make sure that these opportunities are there.

Even though you have financial access with the Pell Grants, with the student loans, and with the scholarships, you need to make sure that you have the support to get the work done. Many students will start in college and won't finish, and you'll have dropouts not only in high school but also dropouts in college. We need to make sure that they have those services.

The beneficiaries of the TRIO Programs do much better in college completion than those who don't have those support services. You have the counseling, the tutorial, and the other support services that you need. They are so important, and that's why we need to make sure that the TRIO Program funding goes up as much as the funding for financial access, like Pell Grants and student loans. We have to recognize that the investments we make in education are so important and that, if we don't make these investments, we end up paying the bill anyway.

I serve not only on the Education and Labor Committee, but I also serve on the Judiciary Committee, where I chair the Subcommittee on Crime. We know that there is a strong correlation between those who drop out of school and those who end up in the criminal justice system. The high school dropouts are much more likely to end up in prison. Those who graduate from high school and those who go to college are much less likely to get caught up in the criminal justice system. When you look at all of the costs of incarceration and when you look at all of the costs of affordable welfare, if we had made the investments in education to get young people on the right track and to keep

them on the right track, we wouldn't have had to make those expenditures in the criminal justice and social service programs.

So education is extremely important, and it is a much more intelligent use of taxpayer money—investing in education—rather than waiting for young people to drop out of school and to mess up, to join a gang and then get into a bidding war as to how much time they're going to serve in prison.

I saw an article in the last couple of days in New York. For every juvenile incarcerated, they spend about $200,000 a year locking up juveniles. California had the same number—over $200,000 per year per juvenile. You can just think of what kind of education could have been provided a few years before to make sure that the young people got on the right track and stayed on the right track. So investments in education are not only good for the economy and are not only good for the community, but they actually save more money than they cost when you look at the costs of failing to educate the next generation.

Ms. MOORE of Wisconsin. Will the gentleman yield?

Mr. SCOTT of Virginia. I yield.

Ms. MOORE of Wisconsin. I come from a community where there has been a great deal of discussion about the failures of students on the fourth-grade reading tests and about the failures of students on the eighth-grade math tests, so I am really interested in your description of how the TRIO Programs really provide an intervention, as it were, in, admittedly, a systemically failed process up through middle school.

The TRIO Programs, as I have come to understand them, literally intervene in kids' lives in middle schools through the Upper Bound program, for example, and through Talent Search. They really identify that next generation of students who have the capability and the capacity to go to college and to really keep our country on top. Many countries do this. They have done it for generations. They have identified kids in middle schools. Despite the incapacity of the families, based on their incomes, to put their kids in private schools or to give them tutoring, the TRIO Programs intervene in middle school, and put them on a college track. Here are some of the data and statistics that I want you to respond to:

First of all, in terms of low-income students—and I'm not talking about any particular race or anything because, as I understand it, 37 percent of those students enrolled in TRIO are white students; 35 percent are African American; 19 percent are Hispanic; 4 percent are Native Americans; 22,000 of these students in TRIO are disabled students; and 25,000 are veterans.

So here we have a really diverse group of students who take advantage of these TRIO Programs, but they have one thing in common—they are all low-income students. They are all students who are disadvantaged by not having wealthy parents who can send them to prep schools. These are students we are depending on to become that next generation of engineers, scientists, and biologists. They are the people who are going to correct the conditions of our lakes, of our forests, and who will be these innovators. Yet, of all the low-income students in our country, only 41 percent enroll in college, and after 6 years in these Student Support Services, we find that almost 31 percent of these students actually attain a bachelor's degree, and that only 21 percent, literally 10 percent fewer of them, graduate from college when you have only given them Pell Grants.

I guess that is one of the problems that you have tried to share with us today, which is: If you are going to spend $27 billion and are going to make that kind of important investment in financial aid, it sure is important to give these students the wraparound services that they need, perhaps some remediation in math and in reading, so that they can succeed, some support services.

If you will indulge me, Mr. SCOTT, I will tell you a little story.

I was pregnant at 18 years old when I graduated from high school, and I was not headed to college. As a matter of fact, I was at the then-Boys' Club—it was not the Boys and Girls Club. I was at the Boys' Club, watching the boys play basketball, when a young man walked up to me and said, The director of the Educational Opportunity Program in Marquette is looking for you, and he said he wants you to come down there right away. That's how I ended up in college—18 years old, pregnant.

What these programs do is they actually interrupt the poverty cycle. They actually interrupted the sociological outcome for me to just be a welfare mom, receiving food stamps, with no hope of ever making an important contribution to society.

So I think that, if we are looking at a long-term bang for our buck, these TRIO Programs and increasing the funding for these TRIO Programs will certainly do that because we cannot afford the downward slide that you have described.

I'm not sure that people have really understood the seriousness of this. You mentioned that we were probably in the middle of the pack. According to the Organization for Economic Cooperation and Development, we are about 15th among 29 industrialized countries in college completion rates. That really has consequences, because when you look at China and at Japan and at South Korea, these are countries that are now the innovators in the world. They are producing the engineers. There used to be a time when you saw Chinese students sitting in American universities. You don't really see that anymore. They are staying at home and are obtaining their baccalaureate degrees.

Now, President Obama has indicated that he has a goal of producing the highest proportion of college graduates in the world by 2020. To reach that goal, this Pell Grant increase is a part of that program. He also wants to expand the reach of community colleges, wants to invest Federal money in research and data collection and in other reforms to the student loan program, and wants to simplify the student aid process.

The gentleman from Virginia, those are very good intentions, and you're experienced on the Education and Labor Committee, but I guess I'd like you to respond to whether or not just simply providing financial aid and collecting data will get us there.

Mr. SCOTT of Virginia. Thank you.

If the gentlelady would yield, one of the things we need to do is to make sure that we get all of our students headed toward college. You mentioned the impact of finances and the income of parents. One factor is that many parents never went to college, so there is not an expectation that their children will go to college. If your parents went to college, there is really an expectation that you are going to go to college, too. It's not a question of whether you are going to college. After you graduate from high school, it's which college are you going to go to. There is just an expectation.

Ms. MOORE of Wisconsin. Right.

Mr. SCOTT of Virginia. When you have parents who did not go to college—and this is one of the main focuses of the TRIO Programs—they want to develop that expectation.

When I was in college, I was an Upward Bound counselor, and I could see in the Upward Bound program the profound change in attitude that young people had as the summer went on. At the beginning of the summer, I remember you could ask young people, What are your plans for the future? They would start telling you their plans for the weekend. Later in the program, you'd ask, What are your plans for the future? They'd tell you what courses they needed to take in high school to make sure they could get into college, and they'd tell you the courses that they'd have to take in college in order to get into law school or into medical school. They had planned their futures a lot farther along than just the weekend.

When you have a different perspective and when you start having an expectation that ''my future includes college,'' a lot of things happen. One, you are less likely to use drugs and to get caught up in delinquency because you know that will adversely affect your future.

□ 2200

So just the fact that you're looking at a future, you will much more likely get on the right track and stay on the right track to actually achieve those goals.

Ms. MOORE of Wisconsin. Will the gentleman yield?

Mr. SCOTT of Virginia. I yield.

Ms. MOORE of Wisconsin. Gentleman, you indicated, I heard you say that we need to get all of our kids prepared to go to college. And I'm wondering if we aren't concerned about class warfare. We talked about those parents who are not low income. They've gone to college. They've had a college fund for their children early on. And perhaps these are parents who might feel somewhat resentful that there's a program out there that provides supportive services for low-income students, as I indicated, I mean, 41 percent of low-income students, just—I mean, if you're not an athlete and you can win a scholarship, you know, if you're not summa cum laude, valedictorian of your high school, you might not have access to scholarship funds.

What would you say to those parents who do have a baccalaureate degree about the need to make sure we give access to all students to college?

Mr. SCOTT of Virginia. Well, one of the things we found in our work in Education and Labor and on the Crime Subcommittee is that so many of our young people are not graduating from high school. In some States, in some schools, and they're called drop-out factories, half the children that go to those schools fail to graduate. And so it's important, if we're going to have any kind of society, that we encourage young people to go to college because at least that means they'll get through high school. If you do not pay for education, you will pay for welfare and crime. And so it's important for us, as a society, to make sure that we invest in education so we won't have as much to pay for in crime and welfare, and also, we'll have an educated workforce so that when businesses come to the community and consider moving their businesses to your community, you'll have a well-educated workforce to show off, and you'll also demonstrate that if they bring their business here, their workers will have access to a good education. So it's in everybody's best interest to have a well-educated workforce and to make the investments in education.

The Pell Grants make sure that everybody can have access. A significant reduction in interest on student loans has taken place in the last few years. There are a lot of things that we're doing, and we're helping colleges. We've made significant investments in colleges and how they can help their students. There are a lot of things that we've been doing, but the main focus has got to be to get young people into college, and once they get into college, to make sure they have the support services that the TRIO programs will provide to make sure that they can actually graduate.

Ms. MOORE of Wisconsin. I was just looking at an article that was published in Forbes Magazine recently, called Investing in America's Future, and one of the points that the author made was that in California, two-fifths of the State's jobs are expected to require college degrees by the year 2020. But the number of adults with those credentials will fall short. So it's not just a matter of providing an opportunity for middle-class and upper-class students.

We've been joined by Congresswoman SHEILA JACKSON-LEE, who has spoken often about the need for businesses to have an educated workforce. I've heard her speak very passionately about how there are so many requests among our business leaders for foreign students to come into the country because we don't have an educated workforce.

And so, gentleman, I'd like you to respond to that.

Mr. SCOTT of Virginia. You mentioned two-fifths require college. But even more than that require some education past the high school level, some kind of training, some kind of education, maybe not the 4-year college but a 2-year college, or maybe some career training course so that you could learn your trade. There used to be a time where you could get a low-skilled job, keep it for 40 years and then retire. The jobs of today require continual learning, lifelong learning. You've got to be retrained. A lot of jobs have become obsolete. Instead of one job for a long time, most people will have four or five or six jobs during their careers. It's important to make sure that you can learn and you have lifelong learning so that you can keep up with the new jobs. Most, 40 percent require college, but virtually all of them, good jobs, will require some kind of education past the high school level.

Ms. MOORE of Wisconsin. Thank you so much.

I'm so happy this evening that we've been joined by Congresswoman SHEILA JACKSON-LEE from Houston, Texas; and I would yield to her at this time.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentlelady from the great State of Wisconsin for her persistence in the work that I found her doing when I visited her district some several years ago. She has been persistent and consistent, and I'm delighted to join her this evening, along with my friend and colleague from Virginia. I served with BOBBY SCOTT as the Chairman of the Subcommittee on Crime. But he has redefined that committee, and he realizes, with his experience on the Education and Labor Committee, that we are going down the wrong direction. And I combine the idea of steering people away from a life of crime or the mistakes that we've made in the criminal justice system with the poor response that we have given to our education system. I really think that we have, or we took our education system for granted. It was there. We were at a point in our lives in the 19th century, the 20th century, most particularly when we were really churning in the economy and we were at the cutting edge of invention. We had televisions; we were doing transistor radios; we did the telephone. We were really, if you will, at the peak of the envy of all the world, and we took for granted that individuals would start school, public school, by the way, and they would finish school and some would finish high school, but they would still be at an economic level that they could provide for their families. And others went to college. And so I'm listening to this discussion about our international competitiveness, and I read this sentence to you: America no longer has the smartest students or the smartest workforce in the world.

I would take issue with that and say that we have the smart people, but we have not cultivated them and provided them the support system that a TRIO provides, a steering. It's almost as if you had a playing field and you told people to just get out on that playing field. There were no guidelines, there were no bases to make, there were no touchdowns to make, and what would you get? You'd have very poor results. But if you had some guidelines, if you told them that they had to go from one point to the next, that they had to kick the ball into the field goal area, or they had to make a touchdown, or they to had hit a home run. And that's why I've come to the floor today, because I want to share these statistics, but I want to refute these statistics and I want to say, it's time now to go back to the old, to reinvest in our education as if we cared about it.

And so let me cite these numbers that may have already been put into the RECORD, but I believe it's important, that show the 2007 trends in international mathematics and science study, which is really a baby of mine. I've been on or served on the Science Committee for 12 years. In that, my emphasis was math and science and NASA and what NASA can do to inspire our young people to want to be scientists and mathematicians. It measures the math and science knowledge of fourth and eighth graders.

Our students don't perform like those in competitor nations. Only 10 percent of U.S. fourth graders and 6 percent of U.S. eighth graders scored at or above the international average in math. That means that 94 percent of our eighth graders are getting beat by countries like Singapore, Hong Kong, England and Russia, and Kazakhstani students scored better in math than our own fourth graders. What does that mean? It means that there is a legitimate argument for TRIO because TRIO provides the kind of road map that gives you the support systems that really cause students who come from disadvantaged backgrounds to get to the finish line, to be able to kick the goal, to make the touchdown, to make the home run.

□ 2210

And I believe that we've been lax in the funding. It's always easy to cut funding for the vulnerable. We don't have to worry about any funding for

the vulnerable because their voices cannot be heard. We know that just across the country, the University of either Southern California or Berkley has students who have been picketing and sitting in for weeks because of tuition increases. So we know how disadvantaged students are more disadvantaged as they raise tuition costs and they don't have support systems.

So, for example, here is what TRIO has done, college going rates for TRIO versus non-TRIO students: All low-income students, 41 percent enrolled in college; Upward Bound participants, 77.3 percent; Upward Bound Math-Science, 86.5 percent; and Talent Search, 79 percent.

What is there to convince that TRIO works, that the support system works?

Student Support Services, low-income bachelor degree attainment with a 6-year period: Student Support Services, 30.9 percent; receive Pell but no support, 21 percent, way down; receive neither Pell nor support, 8.9 percent. They just don't make it.

Ms. MOORE of Wisconsin. Will the gentlelady yield?

Ms. JACKSON-LEE of Texas. I'll be happy to yield.

Ms. MOORE of Wisconsin. This is the question I have for my colleagues here. If it's so clear, as you've indicated, gentlelady from Texas, that TRIO works, if it's so clear, as the gentleman from Virginia has indicated, that we need, in order to remain globally competitive and to continue to be the innovative country and to really develop a way to develop and create new revenues for our country, we're not going to just cut spending and raise taxes and have that be adequate for remaining a first-class nation.

If it's true that we don't have enough upper-class students who are graduating from college that we can afford to ignore low-income white students, low-income African American students, low-income Hispanic students, low-income Asian students, disabled students and veterans who are in these programs, if we can't afford to ignore them, we've got to grab them and educate them so that we can meet those goals and that bar, why has TRIO been flat funded?

What are the consequences of the fact that TRIO was flat funded during fiscal year 2006 and 2008, had just a minimal increase in 2009, a minimal increase in 2010 and, God bless him, our Appropriations Chair, DAVE OBEY, added $20 million to TRIO this cycle, but after all of the negotiations with the Senate, only $5 million was retained in that program. What are the consequences of reducing these vital services to TRIO students and our remaining competitiveness of the world? We need at least $200 million for this program.

Ms. JACKSON-LEE of Texas. You are eloquent in crafting the frustration that you experience and so many of us experience. And do you know what the answer is? They just don't get it. Not the friends and allies who work so hard, the chairman of the Appropriations Committee on the House side, so many Members who understand what TRIO means, but the overall thinkers about education and how to cut dollars just don't get it.

TRIO costs an average of about $1,000 per student per year, $1,000. Pell is estimated to spend approximately $25 billion helping over 7 million students get aid. The combination of a TRIO effort for a student counters the tragedy, and let me just retract that word and not utilize ''tragedy,'' but when you look at it and you say we are the country that spent the 20th century just inventing about everything the world now uses, when we think of China, we are glad that it has made gigantic steps of development. It still is a developing nation, and a lot of what China has made its economic rise on has been what we invented in the 20th century and now they make it in a cheaper manner.

So what we are losing is we are losing the genius of our invention and inventiveness. H–1B is what you're talking about. The H–1B visas have become the popular response. So I'm not going to worry about the fact that our children don't know math and science. Forget about it. We'll just import thousands upon thousands.

I have no quarrel with them. We just stood today and introduced a comprehensive immigration reform bill. There is no quarrel with the idea that this Nation is a nation of laws and immigrants, but there is a quarrel when we throw to the side those disabled, those veterans, those disadvantaged students, those children who have a single parent who would not have the ability to be able to follow through on college.

So what do we lose? Again, we lose the ability to invent for the next generation. We lose the scientific minds that are going to be at the cutting edge of finding the right kind of cure for HIV/AIDS or stopping the H1N1 pandemic or finding a cure for cancer or being able to fix crumbling bridges. This is what we lose. And, frankly, I believe we are long overdue for the reckoning that comes with the idea that we are ignoring our children.

I would like to just use as an example the fact what we call AP classes and advanced classes. You poll and find out how many of those classes are still being kept, advanced placement. It's all about budget. We don't respect or appreciate how much money good education can generate, and I think that we lose our rightful competitive place in the world. And I would much rather invest $1,000 in TRIO than $1,000 in making war and taking a chance of losing one of our bright young men or bright young women who has gone on the front lines. We appreciate them.

But what I'm saying is we should give equal opportunity for those who are either after their military service or in the midst of their military service or that want to go to school, we should give them the opportunity to do so, and that is what TRIO is all about.

Ms. MOORE of Wisconsin. Will the gentlelady yield?

Ms. JACKSON-LEE of Texas. I'd be happy to yield.

Ms. MOORE of Wisconsin. My colleague Representative SCOTT is a great mentor of mine. He serves on the Budget Committee, and he is an expert on one of the subjects that really consumes a great deal of time on this floor and in our committees, and that's the subject of the budget deficit and how we dig ourselves out of this hole. And I guess I was wondering if he would share—I'm sort of surprising him with this question, but I guess I would like for him to talk about the revenue options or the cutting options or how we got into this fiscal hole that we are in and what the role of educating and having an educated workforce will have on us ever being able to approach some sort of deficit reduction.

And I will yield to the gentleman.

Mr. SCOTT of Virginia. There are direct consequences of spending more money on education, one of which is that the average income of those who you have invested in, the average income will go up, better known from a budget perspective as more taxable income. And so those that you invest in and have more taxable income will be able to help fund the government. That is on the plus side.

On the minus side, if you do not educate the people, they are much more likely to be involved in crime and welfare, better known as expenditures. So instead of getting more revenue, you end up with more expenditures.

So we need to make sure that we make these investments in education so more and more of our students go on to college. And we know what works. We know that TRIO works. The TRIO programs, the Talent Search, Upward Bound, Upward Bound Math-Science, and Veterans Upward Bound all help students think about college and get them on track to college.

The Student Support Services, Educational Opportunity Centers, and the Ronald E. McNair Postbaccalaureate Achievement Programs help students once they get to college. They are involved in those programs and are much more likely to graduate and complete their education, making sure they will be much more contributing members of society. And we know they work. There are currently 2,800 TRIO programs that are serving 850,000 low-income and first-generation students.

Now, you can only imagine that without TRIO, many of these students wouldn't even be thinking about college. And if you just look around the country, many of these programs have waiting lists, young people that are trying to get the help of a TRIO program, but because we haven't funded them adequately, there are not enough slots and they have to languish and perhaps not get an education because

they didn't get the services that they needed.

□ 2220

We need to make sure those investments are there. If you're looking long term in the budget, we need to make sure that people are self-sufficient, not depending on government. The investments we make in education in the long-term budget perspective are investments that need to be made.

Ms. MOORE of Wisconsin. Thank you so much for that, gentleman. That is so important.

You know, the Department of Education really bears this out. They say a high school dropout earns about $18,000 a year—of course that's if they're not costing us money in the prison system—a high school graduate, $26,000 a year, an associates degree, $38,000, and a bachelor's degree, $65,000. When we consider our aging baby boomers, we certainly are going to need to make sure that we have a lot of higher-income individuals working toward all of these innovations that we are so capable of.

Mr. SCOTT of Virginia. And if we don't make the investments that we're talking about today, this may be the first generation that has a lower achievement of education than their previous generation. Right now, many children of college-educated parents are not going to college. We are very close to having this generation less educated than last. That will be the first time in American history that that has ever taken place.

Ms. MOORE of Wisconsin. Wow. Before I yield to the gentlelady, I just want to say that old adage, ''pennywise and pound foolish.'' I started this hour out by talking about all of the competing problems that we discuss on this floor, the cost of the war and cost of health care, costs of Medicare and Social Security, those entitlement programs, the cost of escalating the war in Afghanistan, the great recession where, at its height, 700,000 jobs were lost in a single month, the bailout funds for the ''too big to fail'' institutions.

And so if we allow ourselves to get mired down in this and decide that $200 million for an education program is just too much money, that would be the perfect place to talk about pennywise and pound foolish, wouldn't you agree, gentleman?

Mr. SCOTT of Virginia. I would agree. And I have introduced, as you know, the Youth Promise Act, which looks at a comprehensive approach to investing in our young people, getting them on the right track, keeping them on the right track rather than waiting for them to drop out of school, mess up, and then spend all the money on incarceration.

If we take a comprehensive approach, we have found that you are more likely to save money in the long run—indeed, certainly even in the short run. Comprehensive approaches to juvenile crime, one in Pennsylvania where they spent $60 million investing in young people—in a couple of years they figured they saved $300 million. Those kinds of results happen all over the country when you take a comprehensive approach, making sure young people can get on the right track and stay on the right track and get out of what the Children's Defense Fund calls the cradle-to-prison pipeline and get into the cradle-to-college or cradle-to-workforce pipelines. Those pipelines, the college and workforce pipelines, are actually cheaper to construct than a cradle-to-prison pipeline where you spend huge sums of money locking people up. You don't get the benefit of the increased earnings; you just end up spending all the money on crime and welfare.

So if we make the right investments in getting young people on the right track and keeping them on the right track, we not only have a better society, but the budget will look better.

Ms. MOORE of Wisconsin. Thank you so much. That was just amazing information.

The gentlelady from Texas, I would love to hear what you have to say on this matter.

Ms. JACKSON-LEE of Texas. Well, I think this discussion should be a roadmap, but it also should be a primer, a tutorial for us not heading toward the disaster that we are heading toward. We should heed some of the comments that have been made.

I would like to build on this issue of the criminal justice system, which has just grown exponentially. I would say to the gentlelady that there are at least 1 million persons in our prison system throughout the Nation. It is known to be the largest prison system in the civilized world. It is called the ''prison industrial complex'' because there is so much money spent in incarcerating persons, and it does not seem that we have gotten it again to invest on the front end.

So I would just like to share with you, according to the National Center for Education Statistics, which studies the math skills of 15-year-olds throughout several industrialized countries, our United States students ranked 25th internationally. Why? Probably not embraced by the TRIO concept, the support system concept. High school graduates, only 75 percent. I realize that TRIO goes forward into the college area, but it means that these students are not getting support early.

High school graduation, only 75 percent of first-year high school students graduate within 4 years; 25 percent of our students are left behind. Today, 1 in 10 24-year-olds still lack a high school degree. According to the Alliance for Excellent Education, 76 percent of white students graduate in a 4-year period, compared with 55 percent of Hispanic students and 51 percent of African American students. There lies the crux of the need for TRIO, because we need that kind of inspiration.

Let me just finish. The Alliance estimates that high school dropouts from the class of 2008—listen to this number—will cost the United States $319 billion in lost wages over their lifetime. Is there any defense for not supporting TRIO, for not funding it to the max so that we can draw these students through the high school period into the college and then see them graduate and invest that $319 billion into the economic engine of this economy, and on the other side, having skills that are marketable skills?

I started out by saying that we have been cited as not having the smartest students in this century or this time frame. I said, no, these are smart students; we just have not given them the rules, we have not laid out the plan, we have not directed them, we have not provided them the TRIO support system that can be so helpful in providing the kind of economic engine for America.

So in this climate of high unemployment and all of this talk about creating jobs, we cannot ignore America's education system for our children.

Ms. MOORE of Wisconsin. Thank you so much, gentlelady from Houston, Texas. And thank you, my dear friend and colleague on the Budget Committee and also on the Education and Labor Committee.

Before we close out this hour, I just want to sort of summarize what we have said here this evening.

We really admire this Congress and our President for really revamping tuition and making adequate tuition a priority. It has been so important to revisit how we make student loans so that we don't just provide funding for bankers, that we actually use those funds for students, to simplify student forms. It is even important to invest in research about educational outcomes.

It has been very, very important to have seen the dramatic increase in the Pell Grant because, without this tuition assistance, students would not be able to make it. Tuition assistance is a vital component in helping low-income and first-generation college students or any students get through college. Without these dollars, higher education would be unattainable for millions of students who rely on Pell to pay the bills. But all too often, Pell is a wasted investment for our low-income kids because they don't have access to guidance counselors and tutors and the other types of support that come with the TRIO programs.

It doesn't do the student or our country much good if we spend millions on first-year Pell recipients only to have those students drop out after their second or third year. That's not a sound investment. A sound investment is making sure that when we commit to providing educational resources for our most vulnerable kids, we give them all the tools to successfully see that journey through.

That's why we're here today. This Congress has drastically increased vital funding for Pell Grants. I have been and will continue to be a staunch

supporter of that increased investment, but I also know that millions of those dollars will be wasted unless we also invest in the tools to get these students through college.

□ 2230

More importantly, our country, our country, our beloved country that we love so much, and love so dearly, and a country that has given us an amazing life-style of modern living is at risk if we don't educate the future workforce. We have got to start with our tiny tots in early education, but that's a more long-term goal. Right now we are having an emergency, an emergency; students are either not graduating from high school or they are graduating with deficiencies.

In order to step up, we need a TRIO program, a modest amount of funding, $200 million in the scheme of things, nothing like we are spending on all the other crises in this country, that would help these programs serve those students who are on waiting lists.

With that, I would yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. I want to thank the gentlewoman from Wisconsin for her hard work. She has benefited from the TRIO Program, so she knows firsthand as I do, as a counselor in college. I spent 3 years as a counselor in the Upward Bound Program, noticing the profound change from the beginning of the program to the end of the program.

We need to make sure these opportunities and this guidance is made available to all students to make sure they can get into college and then to support services once they get there so that they can graduate. These are important programs.

I thank the gentlelady for organizing this Special Order and I thank the gentlelady from Texas for joining us.

Ms. JACKSON-LEE of Texas. If I may say a word of appreciation for you and say a picture is worth a thousand words, these tall bars, if they can be seen, show what happens to Upward Bound participants, Upward Bound Math and Science and Talent Search, much higher than the little low bar here that shows students without assistance.

One last point is that one in nine African American men age 20 to 34 are behind bars. Black men are more likely to be in jail than to have a graduate degree. We can lock up people, but we can also break that chain, take the key and open the doors to opportunity.

The gentlelady has told and expressed to us her story. It's a powerful story. I would say that we need to give everyone the same chance that so many of us have had for a great opportunity.

Ms. MOORE of Wisconsin. This has been great, this has been fantastic, and I would say that the importance of this program is its diversity. It is not a program that just benefits one group of people. Thirty-seven percent of TRIO students are white, 35 percent are African Americans, 19 percent are Hispanics, 4 percent are Native Americans, 22,000 of TRIO's students are disabled students, and 25,000 are our beloved veterans.

This is a program that embraces every American from all backgrounds and makes sure that money is not the reason that you cannot use your brain. Talk about a brain drain, it's a brain drain when the only thing that stands between you and greatness is an education.

Thank you so much and good night.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 35 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2316

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MAFFEI) at 11 o'clock and 16 minutes p.m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today until 3:30 p.m. on account of a death in the family.

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. MCGOVERN) to revise and extend their remarks and include extraneous material:)

Mr. MCGOVERN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. EDWARDS of Maryland, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. POLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. MURPHY of Pennsylvania, for 5 minutes, today.

Mr. MCCLINTOCK, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today and December 16.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. WELCH, for 5 minutes, today.

Mr. ROYCE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1755. An act to direct the Department of Homeland Security to undertake a study on emergency communications; to the Committee on Energy and Commerce.

ENROLLED JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 62. Joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on December 14, 2009 she presented to the President of the United States, for his approval, the following bills:

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.

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.

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.

Lorraine C. Miller, Clerk of the House reports that on December 15, 2009 she presented to the President of the United States, for his approval, the following 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.

ADJOURNMENT

Mr. MURPHY of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 16, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

5076. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2008-0769; FRL-8799-6] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5077. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Clothianidin; Pesticide Tolerances [EPA-HQ-OPP-2008-0945; FRL-8793-6] received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5078. 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 December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5079. A letter from the Under Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of July 1, 2009 through September 30, 2009, pursuant to Public Law 109-364, section 349; to the Committee on Armed Services.

5080. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment; Federal Emergency Management Agency's Claims Appeals [Docket ID: FEMA-2009-0009] (RIN: 1660-AA64) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5081. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8099] received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5082. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility for Failure To Enforce [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-8093] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5083. A letter from the Deputy to the Chairman for External Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Amendment of the Debt Guarantee Program To Provide for the Establishment of a Limited Six-Month Emergency Guarantee Facility (RIN: 3064-AD37) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5084. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 2008 Annual Report of the Securities Investor Protection Corporation, pursuant to 15 U.S.C. 78ggg; to the Committee on Financial Services.

5085. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — New Animal Drug Application [Docket No.: FDA-2009-N-0436] received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5086. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program: State Flexibility for Medicaid Benefit Packages and Premiums and Cost Sharing [CSM-2232-F3; CMS-2244-F4] (RIN: 0938-AP72 and 0938-AP73) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5087. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Inclusion of Fugitive Emissions; Interim Final Rule; Stay [EPA-HQ-OAR-2004-0014: FRL-9089-4] (RIN: 2060-AP73) received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5088. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment of the One-Hour and Eight-Hour Ozone Standards for Various Ozone Nonattainment Areas in New Jersey and Upstate New York [EPA-R02-OAR-2009-0638; FRL-9088-8] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5089. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(1) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants; Plywood and Composite Wood Products [EPA-R04-OAR-2009-0793; FRL-9089-9] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5090. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; North Carolina: Redesignation of Great Smoky Mountains National Park 1997 8-Hour Ozone Nonattainment Area to Attainment [EPA-R04-OAR-2009-0338-200908; FRL-9089-1] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5091. A letter from the Director Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Clean Air Interstate Rule; NOx SIP Call Rule; Amendments to NOx Control Rules [EPA-R03-OAR-2009-0370; FRL-9090-2] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5092. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries [EPA-HQ-OAR-2003-0146; FRL-8972-4] (RIN: 2060-AO55) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5093. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [EPA-HQ-OAR-2008-0334; FRL-8972-6] (RIN: 2060-AM19) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5094. A letter from the Director, Regulations Management Branch, Environmental Protection Agency, transmitting the Agency's final rule — Stay of Clean Air Interstate Rule for Minnesota; Stay of Federal Implementation Plan to Reduce Interstate Transport of Fine Particulate Matter and Ozone for Minnesota [EPA-HQ-OAR-2009-0021; FRL-8972-7] (RIN: 2060-AP46) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5095. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act [EPA-HQ-OAR-2009-0171; FRL-9091-8] (RIN: 2060-ZA14) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5096. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Ban on the Sale or Distribution of Pre-Charged Appliances [EPA-HQ-OAR-2007-0163; FRL-9091-9] (RIN: 2060-AN58) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5097. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Adjustments to the Allowance System for Controlling HCFC Production, Import, and Export [EPA-HQ-OAR-2008-0496; FRL-9091-7] (RIN: 2060-A076) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5098. A letter from the Acting, Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Wassenaar Arrangement's (WA) Task Force on Editorial Issues (TFEI) Revisions [Docket No.: 0908271249-91275-01] (RIN: 0694-AE71) received December 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5099. A letter from the Associate Director, PP&I, Department of the Treasury, transmitting the Department's final rule — Global Terrorism Sanctions Regulations received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5100. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the personnel report for personnel employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Office of Policy Development, and the Office of Administration for FY 2009, pursuant to 3 U.S.C. 113; to the Committee on Oversight and Government Reform.

5101. A letter from the Departmental FOIA Officer, Department of the Interior, transmitting the Department's final rule — Amendment to the Freedom of Information Act Regulations (RIN: 1090-AA61) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

5102. A letter from the President, Federal Financing Bank, transmitting the Annual Report of the Federal Financing Bank for Fiscal Year 2009, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

5103. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's Performance and Accountability Report for fiscal year 2009, pursuant to Public Law 106-531; to the Committee on Oversight and Government Reform.

5104. A letter from the Treasurer, National Gallery of Art, transmitting an FY 2009 annual report on audit and investigative coverage required by the Inspector General Act

of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

5105. A letter from the Chairman, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period April 1, 2009 through September 30, 2009, pursuant to Section 5(b) of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

5106. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2009; to the Committee on Oversight and Government Reform.

5107. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #4, #5, #6, and #7 [Docket No.: 090324366-9371-01] (RIN: 0648-XR27) received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5108. 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 Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XS79) received December 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5109. 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 Cod by Catcher Vessels 60 ft (18.3 m) LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XS72) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5110. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation [Docket No.: 0809121212-91160-02] (RIN: 0648-AX20) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5111. A letter from the Director, Community Relations Service, Department of Justice, transmitting the Department's report on the activities of the Community Relations Service (CRS) for Fiscal Years 2007 and 2008, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

5112. A letter from the Assistant Secretary, Employment & Training Administration, Department of Labor, transmitting the Department's final rule — Temporary Agricultural Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5113. A letter from the Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Corporation's annual financial audit and management report, in accordance with OMB Circular A-136; to the Committee on Transportation and Infrastructure.

5114. A letter from the Deputy Assistant Secretary For Program Operations, Department of Labor, transmitting the Department's final rule — Investment Advice-Participants and Beneficiaries (RIN: 1210-AB13) received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

5115. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — The American Recovery and Reinvestment Act of 2009: Secondary Market First Lien Position 504 Loan Pool Guarantee (RIN: 3245-AF90) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5116. A letter from the Director, Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Acquisition Regulation: Supporting Veteran-Owned and Service-Disabled Veteran-Owned Small Business (RIN: 2900-AM92) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5117. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Community Residential Care Program (RIN: 2900-AM82) received December 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5118. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendments to List of CBP Preclearance Offices in Foreign Countries: Addition of Halifax, Canada and Shannon, Ireland [CBP Dec. 09-45] received December 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5119. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Temporary Closing of the Determination Letter Program for Adopters of Pre-Approved Defined Benefit Plans received November 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 3978. A bill to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes (Rept. 111–376). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of Mississippi: Committee on Homeland Security. House Resolution 922. Resolution 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 or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009; with amendments (Rept. 111–377). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. House Resolution 920. Resolution 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, adversely; (Rept. 111–378). Referred to the House Calendar.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 973. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 111–379). Referred to the House Calendar.

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. POSEY (for himself, Mr. HALL of Texas, Mr. PITTS, Mr. BARTLETT, Mr. COLE, Mr. ISSA, Mr. BILBRAY, Mr. GOHMERT, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. AKIN, Mr. GINGREY of Georgia, Mr. MARCHANT, Mr. CONAWAY, Mr. BISHOP of Utah, Ms. FALLIN, Mr. THOMPSON of Pennsylvania, and Mr. LAMBORN):

H.R. 4308. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate certain amounts on their income tax returns, to require spending reductions equal to 10 times the amounts so designated, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. BRIGHT (for himself and Mr. THOMPSON of Pennsylvania):

H.R. 4309. A bill to amend the Internal Revenue Code of 1986 to establish tax-preferred Small Business Start-up Savings Accounts; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, and Ms. WATSON):

H.R. 4310. A bill to amend the Internal Revenue Code of 1986 to protect children's health by denying any deduction for advertising and marketing directed at children to promote the consumption of food at fast food restaurants or of food of poor nutritional quality; to the Committee on Ways and Means.

By Mrs. HALVORSON:

H.R. 4311. A bill to amend the Internal Revenue Code of 1986 to extend the increase in the expensing deduction for small businesses; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. BOEHNER, Mr. KLINE of Minnesota, Mr. FRELINGHUYSEN, and Mr. ISSA):

H.R. 4312. A bill to permit the District of Columbia to use Federal funds to provide scholarships for enrollment in participating schools under the DC School Choice Incentive Act of 2003 to students who did not receive such scholarships in the 2009–2010 school year; to the Committee on Oversight and Government Reform.

By Mr. YOUNG of Alaska (for himself, Mr. RAHALL, and Mr. HEINRICH):

H.R. 4313. A bill to amend Part B of title XVIII of the Social Security Act to eliminate the sunset for reimbursement for services furnished by certain Indian hospitals and clinics; 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. RANGEL:

H.R. 4314. A bill to permit continued financing of Government operations; to the Committee on Ways and Means.

By Mr. BURGESS:

H.R. 4315. 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 Ways and Means.

By Mr. CROWLEY (for himself and Mr. BRADY of Texas):

H.R. 4316. A bill to suspend temporarily the duty on certain footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. STARK, Mr. GRIJALVA, and Mr. QUIGLEY):

H.R. 4317. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, 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. KAPTUR:

H.R. 4318. A bill to authorize the President to reestablish the Civilian Conservation Corps as a means of providing gainful employment to unemployed and underemployed citizens of the United States through the performance of useful public work, and for other purposes; to the Committee on Education and Labor.

By Mr. MORAN of Kansas:

H.R. 4319. A bill to amend title 38, United States Code, to provide for certain improvements in the laws relating to specially adapted housing assistance provided by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 4320. A bill to amend title 38, United States Code, to expand the types of approved programs of education for purposes of Post-9/11 Educational Assistance Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. ORTIZ (for himself, Mr. CONYERS, Mr. SERRANO, Mr. RANGEL, Mr. PASTOR of Arizona, Mr. STARK, Mr. GUTIERREZ, Mr. WAXMAN, Mr. BECERRA, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. BERMAN, Ms. VELÁZQUEZ, Mrs. CHRISTENSEN, Mr. HINOJOSA, Mr. TOWNS, Mr. REYES, Mr. LEWIS of Georgia, Mr. BACA, Mr. PALLONE, Mr. GONZALEZ, Mr. ANDREWS, Mrs. NAPOLITANO, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. ENGEL, Mr. CUELLAR, Mr. FALEOMAVAEGA, Mr. SALAZAR, Mr. NEAL of Massachusetts, Mr. SIRES, Mr. ABERCROMBIE, Mr. LUJÁN, Ms. NORTON, Mr. PIERLUISI, Mr. MORAN of Virginia, Mr. SABLAN, Mr. NADLER of New York, Mr. OLVER, Ms. WATERS, Ms. CORRINE BROWN of Florida, Mr. FARR, Mr. FILNER, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY, Mr. RUSH, Mr. SCOTT of Virginia, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. FATTAH, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. CAPPS, Mr. DAVIS of Illinois, Ms. DEGETTE, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Ms. LEE of California, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. CAPUANO, Mr. CROWLEY, Mr. WEINER, Mr. CLAY, Mr. HONDA, Mr. ISRAEL, Ms. WATSON, Ms. BORDALLO, Mr. MEEK of Florida, Mr. CLEAVER, Mr. AL GREEN of Texas, Ms. MATSUI, Ms. MOORE of Wisconsin, Mr. CARSON of Indiana, Ms. CLARKE, Ms. EDWARDS of Maryland, Mr. ELLISON, Ms. FUDGE, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. PERLMUTTER, Ms. RICHARDSON, Mr. WELCH, Ms. CHU, Mr. HEINRICH, Ms. PINGREE of Maine, Mr. POLIS of Colorado, and Mr. QUIGLEY):

H.R. 4321. A bill to provide for comprehensive immigration reform, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Armed Services, Foreign Affairs, Natural Resources, Ways and Means, Education and Labor, Oversight and Government Reform, and House Administration, 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. SARBANES:

H.R. 4322. A bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports; to the Committee on Education and Labor.

By Mr. SOUDER:

H.R. 4323. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for certain costs relating to compliance with financial regulations; to the Committee on Ways and Means.

By Ms. TITUS:

H.R. 4324. A bill to amend the Homeowners Assistance Program of the Department of Defense to give the Secretary of Defense flexibility regarding setting the commencement date for homeowner assistance for members of the Armed Forces permanently reassigned during the mortgage crisis; to the Committee on Armed Services, and in addition to the Committee on Financial Services, 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. TONKO:

H.R. 4325. A bill to establish a grant program to assist schools in establishing a universal free classroom breakfast program; to the Committee on Education and Labor.

By Mr. OBEY:

H.J. Res. 64. A joint resolution making further continuing appropriations for fiscal year 2010, and for other purposes; to the Committee on Appropriations.

By Mr. ORTIZ:

H. Con. Res. 222. Concurrent resolution recognizing the leadership and historical contributions of Dr. Hector Garcia to the Hispanic community and his remarkable efforts to combat racial and ethnic discrimination in the United States of America; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, 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. KILDEE (for himself, Mr. DINGELL, Mr. LEVIN, Ms. KILPATRICK of Michigan, Ms. SCHAKOWSKY, Mr. STUPAK, Mr. BACA, Mr. BONNER, Mr. ROGERS of Alabama, Mr. ADERHOLT, Mr. GRIFFITH, Mr. MOORE of Kansas, Mr. RYAN of Ohio, Mr. SHULER, Mr. PETERS, Mr. VISCLOSKY, Mr. CONYERS, Mr. HINCHEY, Mr. UPTON, Mr. CAMP, Mr. MCCOTTER, Mr. SCHAUER, Mr. DAVIS of Alabama, Mr. BACHUS, Mr. HARE, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. BOREN, and Mr. KIND):

H. Res. 970. A resolution congratulating Flint native, University of Alabama sophomore, and running back Mark Ingram on winning the 2009 Heisman Trophy and honoring both his athletic and academic achievements; to the Committee on Education and Labor.

By Ms. WASSERMAN SCHULTZ (for herself, Mrs. MYRICK, Mr. ADERHOLT, Mr. ALEXANDER, Mr. ARCURI, Mr. BACA, Mrs. BACHMANN, Ms. BERKLEY, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOCCIERI, Ms. BORDALLO, Mr. BOREN, Mr. BOUSTANY, Mr. BOYD, Mr. BRALEY of Iowa, Mr. BRIGHT, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CALVERT, Mrs. CAPITO, Mrs. CAPPS, Mr. CARDOZA, Mr. CARNEY, Ms. CASTOR of Florida, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLYBURN, Mr. CONNOLLY of Virginia, Mr. CROWLEY, Mr. CULBERSON, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. DINGELL, Mrs. EMERSON, Mr. ENGEL, Mr. FARR, Mr. FOSTER, Ms. FUDGE, Ms. GIFFORDS, Mr. GINGREY of Georgia, Ms. GRANGER, Mr. GRAYSON, Mr. GRIFFITH, Mr. HALL of New York, Mrs. HALVORSON, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HELLER, Ms. HERSETH SANDLIN, Mr. HIGGINS, Mr. HODES, Mr. HOLDEN, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KILDEE, Ms. KILROY, Mr. KIND, Mr. KLEIN of Florida, Mr. KRATOVIL, Mr. LANCE, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LUETKEMEYER, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Mrs. LOWEY, Mr. LYNCH, Ms. MARKEY of Colorado, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCGOVERN, Mrs. MCMORRIS RODGERS, Mr. MCNERNEY, Mr. MEEK of Florida, Mr. MELANCON, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. OLVER, Mr. PERRIELLO, Mr. PETERS, Mr. POLIS of Colorado, Mr. PUTNAM, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SCHAUER, Mrs. SCHMIDT, Mr. SCOTT of Georgia, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SPACE, Mr. STUPAK, Ms. SUTTON, Mr. TANNER, Mr. THOMPSON of Pennsylvania, Ms. TSONGAS, Mr. WALZ, Mr. WEINER, Mr. WEXLER, Mr. WILSON of Ohio, Ms. WOOLSEY, Mr. RODRIGUEZ, Mr. NADLER of New York, Mr. NYE, Mr. DONNELLY of Indiana, Ms. EDWARDS of Maryland, Mrs. DAHLKEMPER, Ms. KOSMAS, Mr. NEAL of Massachusetts, Ms. HARMAN, Mr. ACKERMAN, Mr. MEEKS of New York, Mr. TEAGUE, Mr. MCMAHON, Mr. MAFFEI, Mr. MITCHELL, Mr. KAGEN, Mr. MURTHA, Mr. WU, Mr. DAVIS of Illinois, Mr. BUCHANAN, and Ms. HIRONO):

H. Res. 971. A resolution expressing the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49; to the Committee on Energy and Commerce. considered and agreed to.

By Mr. DAVIS of Alabama (for himself, Mr. BONNER, Mr. GRIFFITH, Mr. ROGERS of Alabama, Mr. ADERHOLT, and Mr. BRIGHT):

H. Res. 972. A resolution commending University of Alabama Running Back Mark

Ingram on winning the 2009 Heisman Trophy; to the Committee on Education and Labor.

By Mr. ALEXANDER:

H. Res. 974. A resolution urging the Administrator of the Environmental Protection Agency to reevaluate the endangerment and cause or contribute findings regarding greenhouse gases signed on December 7, 2009; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ (for herself, Mr. HOLDEN, Mr. BURGESS, Mr. MEEK of Florida, Mr. PASTOR of Arizona, Mr. CLEAVER, Mr. GERLACH, Mr. HASTINGS of Florida, Mr. MOORE of Kansas, Mr. BLUMENAUER, Ms. VELÁZQUEZ, Ms. LEE of California, Ms. KAPTUR, Mr. FATTAH, Mr. SERRANO, Mr. MEEKS of New York, Mr. PLATTS, Mr. ELLISON, Mr. RANGEL, Ms. MATSUI, Ms. CHU, Mrs. DAHLKEMPER, Mr. HONDA, Mr. DAVIS of Illinois, Ms. SUTTON, Ms. CASTOR of Florida, Ms. WATSON, Mr. INSLEE, Mr. MCGOVERN, Ms. CLARKE, Mr. CARDOZA, Mr. HINCHEY, and Ms. WOOLSEY):

H. Res. 975. A resolution recognizing the potential for a national fresh food financing initiative to provide an effective and economically sustainable solution to the problem of limited access to healthy foods in underserved urban, suburban, and rural low-income communities, while also improving health and stimulating local economic development; to the Committee on Agriculture.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Ms. EDWARDS of Maryland, Mr. DOYLE, and Mr. DEFAZIO.
H.R. 219: Mr. BOOZMAN.
H.R. 240: Mr. BISHOP of Utah.
H.R. 305: Ms. PINGREE of Maine.
H.R. 391: Mrs. BONO MACK and Mr. COFFMAN of Colorado.
H.R. 422: Mr. LUETKEMEYER.
H.R. 463: Mr. HEINRICH.
H.R. 503: Mr. HIMES.
H.R. 571: Mr. MORAN of Virginia.
H.R. 690: Mr. UPTON.
H.R. 725: Mr. HEINRICH.
H.R. 745: Mr. ELLISON.
H.R. 847: Ms. MCCOLLUM and Mr. BRALEY of Iowa.
H.R. 1020: Mr. FILNER.
H.R. 1021: Ms. SUTTON.
H.R. 1064: Mr. HEINRICH.
H.R. 1067: Mr. BISHOP of Georgia.
H.R. 1103: Mr. GINGREY of Georgia.
H.R. 1177: Mr. CUELLAR, Mrs. DAHLKEMPER, and Mr. CROWLEY.
H.R. 1326: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. SHERMAN.
H.R. 1378: Mr. HILL.
H.R. 1547: Mr. ROSKAM.
H.R. 1646: Mr. MARKEY of Massachusetts.
H.R. 1677: Ms. ROYBAL-ALLARD.
H.R. 1688: Mr. ABERCROMBIE.
H.R. 1708: Mr. GORDON of Tennessee.
H.R. 1721: Mr. HARE.
H.R. 1806: Mr. BUCHANAN.
H.R. 1826: Mr. MINNICK.
H.R. 1831: Mr. MOLLOHAN and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1974: Mr. GOODLATTE, Mr. PETERS, and Mr. MAFFEI.
H.R. 1977: Mr. HINCHEY.
H.R. 1987: Mr. HOLT.
H.R. 1990: Mr. BERRY and Mr. ELLSWORTH.
H.R. 2000: Mr. PENCE.
H.R. 2024: Mr. ARCURI.
H.R. 2054: Mr. JACKSON of Illinois.
H.R. 2067: Mr. RANGEL and Mr. CROWLEY.
H.R. 2103: Mr. MASSA and Mr. CRENSHAW.
H.R. 2119: Mr. MANZULLO.
H.R. 2408: Mr. DINGELL.
H.R. 2458: Mr. MANZULLO.
H.R. 2478: Ms. SLAUGHTER and Mr. INGLIS.
H.R. 2480: Mr. SCHIFF and Ms. TITUS.
H.R. 2485: Mr. FRANK of Massachusetts.
H.R. 2556: Mr. BURGESS.
H.R. 2628: Mr. WILSON of Ohio.
H.R. 2698: Mr. WEINER and Mr. BERMAN.
H.R. 2699: Mr. WEINER and Mr. BERMAN.
H.R. 2700: Ms. SLAUGHTER.
H.R. 2730: Ms. BALDWIN, Mr. GRIFFITH, and Ms. WOOLSEY.
H.R. 2733: Mr. RAHALL, Mrs. BLACKBURN, Mr. CHILDERS, Mr. AUSTRIA, and Mr. MARCHANT.
H.R. 2752: Mr. MANZULLO.
H.R. 2799: Mr. JACKSON of Illinois.
H.R. 2866: Mr. YARMUTH.
H.R. 3116: Mr. LIPINSKI.
H.R. 3129: Mr. PENCE.
H.R. 3217: Mr. INGLIS.
H.R. 3286: Ms. LINDA T. SÁNCHEZ of California.
H.R. 3308: Mr. KLEIN of Florida.
H.R. 3315: Mr. CLEAVER.
H.R. 3339: Mr. MINNICK and Mr. SALAZAR.
H.R. 3421: Mr. MASSA.
H.R. 3524: Mr. SKELTON and Mr. KAGEN.
H.R. 3592: Mr. MINNICK.
H.R. 3608: Mr. DOGGETT.
H.R. 3646: Ms. ZOE LOFGREN of California.
H.R. 3652: Mr. COBLE.
H.R. 3701: Ms. BERKLEY.
H.R. 3706: Ms. GRANGER.
H.R. 3720: Mr. KAGEN.
H.R. 3734: Ms. SHEA-PORTER.
H.R. 3775: Mr. SOUDER.
H.R. 3790: Mr. OBERSTAR and Mr. DAVIS of Kentucky.
H.R. 3943: Mr. PASTOR of Arizona, Mr. CHILDERS, Mr. ORTIZ, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, Mr. BARTLETT, Ms. GINNY BROWN-WAITE of Florida, and Mrs. NAPOLITANO.
H.R. 4014: Mr. FARR.
H.R. 4054: Mr. COSTELLO, Mr. ELLSWORTH, Ms. HARMAN, and Mr. JONES.
H.R. 4060: Mr. MINNICK.
H.R. 4075: Mr. POSEY.
H.R. 4085: Mr. BLUMENAUER, Mr. BRADY of Texas, Mr. HEINRICH, and Mr. ISRAEL.
H.R. 4091: Mr. WAMP.
H.R. 4109: Mr. PAYNE.
H.R. 4110: Mr. SCHOCK.
H.R. 4127: Mr. SCHOCK.
H.R. 4138: Mr. FORBES.
H.R. 4140: Mr. CARSON of Indiana.
H.R. 4147: Ms. BERKLEY.
H.R. 4149: Mr. HEINRICH and Mr. KAGEN.
H.R. 4156: Mr. KAGEN.
H.R. 4160: Ms. LINDA T. SÁNCHEZ of California.
H.R. 4167: Mr. DOYLE.
H.R. 4196: Ms. ESHOO, Ms. LINDA T. SÁNCHEZ of California, and Mr. COSTELLO.
H.R. 4197: Mr. MORAN of Virginia, Mr. PLATTS, Mrs. NAPOLITANO, and Ms. RICHARDSON.
H.R. 4199: Mr. ROGERS of Alabama and Mrs. EMERSON.
H.R. 4210: Mr. PLATTS.
H.R. 4220: Mr. LUETKEMEYER.
H.R. 4233: Mr. HERGER.
H.R. 4247: Mrs. MALONEY.
H.R. 4255: Mrs. KIRKPATRICK of Arizona, Mr. HEINRICH, Mr. WITTMAN, Mr. MURPHY of New York, Mr. PETERS, Mr. DONNELLY of Indiana, Mr. MCNERNEY, Mr. PERRIELLO, Mr. LUETKEMEYER, Mr. ELLSWORTH, Mr. FLEMING, Mr. CARNAHAN, Ms. SHEA-PORTER, Mr. PETERSON, Mr. ALTMIRE, Ms. GIFFORDS, Mr. GUTHRIE, Mr. QUIGLEY, Mr. POLIS of Colorado, Mrs. MYRICK, Mrs. HALVORSON, Mr. DRIEHAUS, and Mr. NYE.
H.R. 4260: Mrs. CAPPS.
H.R. 4262: Mr. WITTMAN, Mr. BARRETT of South Carolina, and Mrs. BIGGERT.
H.R. 4263: Mr. HEINRICH, Mr. BACA, Ms. DELAURO, Mr. BOUCHER, Mr. LEWIS of Georgia, Mr. WEINER, Mr. HARE, and Mr. HINCHEY.
H.R. 4268: Ms. SUTTON.
H.R. 4270: Mr. SOUDER and Mr. LOBIONDO.
H.R. 4298: Mr. FILNER and Mr. WEINER.
H.R. 4307: Mr. THOMPSON of California.
H.J. Res. 11: Mr. PITTS.
H.J. Res. 57: Mr. GOODLATTE.
H.J. Res. 61: Mr. PASTOR of Arizona.
H. Con. Res. 137: Ms. SLAUGHTER.
H. Con. Res. 216: Ms. SCHAKOWSKY, Ms. EDWARDS of Maryland, and Mr GARAMENDI.
H. Con. Res. 220: Mr. JOHNSON of Georgia, Mr. MCGOVERN, Mr. SMITH of Washington, and Mr. WALZ.
H. Con. Res. 221: Mr. MOORE of Kansas.
H. Res. 601: Mr. ISRAEL.
H. Res. 699: Mr. LUCAS.
H. Res. 732: Ms. BERKLEY, Mr. CARNAHAN, Mr. FLAKE, Mr. MEEKS of New York, Mr. MILLER of North Carolina, Mr. SHERMAN, and Mr. PAYNE.
H. Res. 764: Mr. PENCE.
H. Res. 812: Mr. TIAHRT.
H. Res. 840: Mr. PENCE.
H. Res. 859: Mr. ELLISON and Mr. MCGOVERN.
H. Res. 862: Mr. HOLT, Mrs. HALVORSON, and Mr. LIPINSKI.
H. Res. 905: Ms. ZOE LOFGREN of California, and Mr. WATT.
H. Res. 936: Mr. COURTNEY and Mrs. MCMORRIS RODGERS.
H. Res. 943: Mr. LAMBORN.
H. Res. 944: Mrs. MILLER of Michigan and Mrs. DAHLKEMPER.
H. Res. 947: Mr. FARR, Mr. RANGEL, Mr. STARK, Mr. PAYNE, and Mr. CARNAHAN.
H. Res. 951: Mr. NUNES and Mr. MCINTYRE.
H. Res. 966: Mr. SESSIONS, Mr. LATTA, and Mr. CARTER.

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:

OFFERED BY MR. RANGEL

H.R. 4314, a bill to permit continued financing of government operation, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. OBEY

H.J. Res. 64, making further continuing appropriations for the fiscal year 2010, and for other purposes, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. DOGGETT.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, TUESDAY, DECEMBER 15, 2009 No. 190

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.

Loving God, You know our weaknesses and the extent of our failure to love You and one another. Look upon us with mercy and use us to heal the hurt in our world. Establish the labor of our lawmakers, strengthening them to honor You by serving others. Let Your life-giving Spirit move them to feel greater compassion for those in need. Use them to remove barriers that divide us, as they help all to live in greater justice and peace. Lord, give our Senators a daily respect and submission to Your will and commands.

We pray in Your sovereign 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 15, 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.

Mr. BURRIS thereupon assumed the chair as Acting 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.

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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 H.R. 3590, the health reform bill. There will be 5 hours for debate prior to votes in relation to the following amendments and motion: Baucus, Crapo, Dorgan, Lautenberg. We can never determine for sure, Mr. President, but it appears the votes should start between 5 and 6 o'clock. The Senate will be in recess from 12:45 until 3:15 p.m. today for the weekly caucus luncheons.

RECOGNITION OF THE MINORITY LEADER

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

HEALTH CARE REFORM

Mr. MCCONNELL. Mr. President, with Americans now really focusing in on the health care debate, it is important to take a step back and recall where we started because somewhere along the way, Democratic leaders took their eyes off the ball.

It is a good time to remember what this reform debate was all about. The goal of this legislation, by all accounts—everyone agreed—the goal was to lower the cost of health care. This is what the President had to say. It is a direct quote:

> The bill I sign—

According to the President—

> must . . . slow the growth of health care costs in the long run.

That was on July 22 of this year. Yet here we are, nearly 5 months later, and the administration's own scorekeeper, the CMS Actuary—the Centers for Medicare and Medicaid Services Actuary—says the Democratic bill will actually drive costs up, exactly the opposite of what the debate was all about in the beginning, and exactly opposed to what the President indicated on July 22, that he would not sign such a bill.

Now, remember, the purpose of reform was to lower people's insurance premiums as well. Here is what the President had to say about that, a direct quote:

> I have made a solemn pledge—

Said the President—

> that I will sign a universal health care bill into law by the end of my first term as President that will . . . cut the cost of a typical family's premiums by up to $2500 a year.

That was the President campaigning for President on June 24, 2007, ''a solemn pledge that I will sign a universal health care bill into law . . . that will . . . cut the cost of a typical family's premiums by up to $2500 a year.''

Yet now we are being told by the administration's own nonpartisan scorekeeper—again the CMS Actuary—that new fees for drugs, devices, and insurance plans will drive up insurance premiums.

The purpose of reform was also to ease the burden on taxpayers. Here is what the President had to say about that:

> No family making less than $250,000 a year will see any form of tax increase.

That was the President on September 12, 2008: ''No family''—not a one—''no family making less than $250,000 a year will see any form of tax increase.''

Yet now we are told by the independent analysts, such as the Joint Committee on Taxation, that taxes will actually go up on those same taxpayers, those making under $250,000 a year.

People who like the plans they have were told they would be able to keep them. Here is what the President had to say about that:

> If you like your current plan—

''If you like your current plan''—

> you will be able to keep it.

Then he said:

> Let me repeat that: If you like your plan, you'll be able to keep it.

That was July 21, 2009, just this summer. Yet now we are told by the independent analysts, such as the Congressional Budget Office, that millions of Americans will lose their employer-based coverage and that millions of seniors will see their extra benefits cut by about half.

Americans are looking at this, and they are truly outraged. The American people are outraged at what is happening. They cannot understand what we are doing. The latest CNN poll says 61 percent of Americans oppose this bill; 61 percent of the American people are saying don't pass this bill.

This bill is completely out of touch with the American public. Think about it: 1 out of 10 working Americans is looking for a job, and Democratic leaders in Washington want to spend $2.5 trillion on a bill that makes existing problems worse. Mr. President, 1 out of 10 Americans is out of work, and yet the majority seeks to pass a bill that makes the existing problems worse. Yet Democratic leaders in Washington are still insisting that we pass this bill.

Even as opposition grows, supporters of the bill are drafting plans and cutting deals to make this bill the law of the land by Christmas—ignoring the wishes of the American people, off in a room somewhere, cutting plans and making deals, trying to figure out some way to jam the American people when they are asking us, overwhelmingly: Please don't pass this bill.

You get the impression that the supporters of this bill think it is about them, about them and their legacies. Well, this is not about them. This is about the American people. This is not about making history. This is about doing the right thing for every single American's health care.

Americans have a message: Higher premiums, higher taxes, higher health care costs are not what they signed up for. This is not what they were promised. This is not reform. Yes, doing nothing is not an option, but making current problems worse is worse.

TRIBUTE TO JACKIE HAYS

Mr. MCCONNELL. Mr. President, I rise to wish a fond farewell to one of the Nation's finest television news anchors, Louisville's own Jackie Hays. After more than three decades in broadcasting, most of it spent in Louisville, Jackie will be retiring, and people throughout Louisville and across Kentucky are sorry to see her go.

The level of respect Jackie has earned in the community is reflected in the many awards she has won over the years. She has received 16—16—Best of Louisville awards, including numerous honors as Best Female News Anchor.

In 2005, she was named ''Best of the Best'' by Louisville Magazine. She has also received the Star Awards from the Women in Radio and Television, and Emmy nominations for her work both in Louisville and Philadelphia.

Jackie has had a lot of wonderful experiences in her career, all in pursuit of getting the best story for her viewers. She reported live from the scene of the bombing at the 1996 Summer Olympics in Atlanta. She interviewed two Presidents; one of them was Ronald Reagan over lunch. And, of course, she has been a fixture in many Louisville homes on the first Saturday of every May, as she has anchored coverage of the Kentucky Derby 25 times.

Once she went up in an F/A–18 Hornet with the Blue Angels, a U.S. Navy flying acrobatic team that has performed in the Kentucky Derby Festival. She flew at 600 knots—that is nearly 700 miles an hour—and was subjected to seven times the normal force of gravity. She may have blacked out briefly with all that force—as the instructor told her most people do—but for the thrill of the ride, and to better tell the story to her viewers, she says it was worth it.

Jackie was born in Paris, TN, right over the border from Murray, KY, and she attended Murray State University on a special Presidential academic scholarship. She was named the outstanding senior in radio and television and began her broadcasting career at a Paducah station while still a senior in college.

After graduating with highest honors, she went on to a full-time position, until moving to Louisville in 1980 to work for WHAS Television. After 5 years, she briefly went to work in Philadelphia, but in 1988 she returned to Kentucky and River City where she has stayed ever since.

For the last 21 years, since returning to Louisville, Jackie has been with WAVE–3 News. She is currently the anchor of that channel's 5 p.m. and 6 p.m. newscasts.

After 32 years in broadcasting, Jackie has earned a well-deserved rest, and I know she is looking forward to spending more time with her husband Paul, their two daughters, and their dogs. Jackie and Paul are avid horse riders, and I hear they just got a new horse named Chipper.

But Jackie will be greatly missed by the people of Louisville and the surrounding area. Every day, through the television, viewers have welcomed her into their homes. Now we should stop and recognize that we have welcomed her into our community and our lives as well. So I just wanted to take this moment to thank her for her incredible career on behalf of Kentuckians everywhere.

Mr. President, I yield the floor.

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3590, which the clerk will report.

The 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.

Dorgan modified amendment No. 2793 (to amendment No. 2786), to provide for the importation of prescription drugs.

Crapo motion to commit the bill to the Committee on Finance, with instructions.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 5 hours for debate, with 2 hours equally divided between the Senator from Montana, Mr. BAUCUS, and the Senator from Idaho, Mr. CRAPO, or their designees, 2 hours equally divided between the Senator from North Dakota, Mr. DORGAN, and the Senator from New Jersey, Mr. LAUTENBERG, or their designees, and 1 hour under the control of the Republican leader or his designee.

Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, for the benefit of all Senators, let me lay out today's program.

It has been more than 3½ weeks since the majority leader moved to proceed to the health care reform bill. This is the 14th day the Senate has considered it. The Senate has considered 18 amendments and motions. We have conducted 14 rollcall votes.

Today, the Senate will continue debating the Dorgan amendment on prescription drug reimportation and the Lautenberg alternative amendment to that amendment and we will continue debating the Crapo motion on taxes, for which I have filed a side-by-side amendment as well.

Under the previous order, there will be 5 hours of debate, with each of the following Senators controlling 1 hour: The Senator from Idaho, Mr. CRAPO; the Senator from North Dakota, Mr. DORGAN; the Senator from New Jersey, Mr. LAUTENBERG; the Republican leader and this Senator.

The Senate will recess from 12:45 to 3:15 for party conferences.

Upon the use or yielding back of the 5 hours of debate, which is likely to be between 5 o'clock and 6 o'clock this evening, the Senate will proceed to vote in relation to four amendments in this order: First, my side-by-side amendment on tax cuts; second, the Crapo motion to commit on taxes; third, the Dorgan amendment No. 2793 on drug reimportation; and the Lautenberg side-by-side amendment No. 3156 on drug reimportation.

Each amendment will need to get 60 votes or else be withdrawn.

Upon disposition of these amendments and the motion, the next two Senators to be recognized to offer a motion and an amendment will be, first, the Senator from Texas, Mrs. HUTCHISON, to offer a motion to commit regarding taxes; and, second, the Senator from Vermont, Mr. SANDERS, to offer amendment No. 2837 on single payer.

AMENDMENT NO. 3183 TO AMENDMENT NO. 2786

Mr. President, under the previous order, it is in order for this Senator to offer a side-by-side amendment to the motion to commit, offered by the Senator from Idaho, Mr. CRAPO, and pursuant to that order, I call up my amendment No. 3183.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 3183.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect middle class families from tax increases)

At the appropriate place, insert the following:

SEC. ____. PROTECTING MIDDLE CLASS FAMILIES FROM TAX INCREASES.

It is the sense of the Senate that the Senate should reject any procedural maneuver that would raise taxes on middle class families, such as a motion to commit the pending legislation to the Committee on Finance, which is designed to kill legislation that provides tax cuts for American workers and families, including the affordability tax credit and the small business tax credit.

Mr. BAUCUS. Mr. President, during the Presidential campaign, President Obama promised not to raise taxes on Americans who earn less than $200,000 a year or American families who earn less than $250,000 a year. That was his promise. This bill keeps his promise.

This bill will provide tax credits to help American families, workers, and small businesses to buy quality health insurance plans through new fair and competitive marketplaces called insurance exchanges.

The Congressional Budget Office expects that by the year 2019, 25 million Americans will buy health insurance plans through the new exchanges. The vast majority of those Americans—about 19 million—will receive tax credits; that is, tax reductions, or help paying their copays and other out-of-pocket costs. These tax credits will reduce their health insurance costs by nearly 60 percent.

This bill does not raise taxes on the middle class. This bill is a tax cut for Americans.

Over the next 10 years, the health care reform bill will provide $441 billion in tax credits to buy health insurance for American families, workers, and small businesses—$441 billion in tax credits. Americans affected by the major tax provisions of this bill will receive an overall tax cut of 1.3 percent in the year 2017. That is a total of $40 billion. That is an average of almost $450 for every taxpayer affected. That same year, 2017, low- and middle-income taxpayers who earn between $20,000 and $30,000 a year will see an average Federal tax decrease of nearly 37 percent. I will repeat that. I think it is astounding. People with incomes between $20,000 and $30,000 a year will receive an average Federal tax decrease of nearly 37 percent. In that same year, 2017, the average taxpayer making less than $75,000 a year will receive a tax credit of more than $1,300. In 2019, 2 years later, that tax credit will grow to more than $1,500.

Without this tax cut, many individuals and families will continue to forgo health care because it costs too much. We make it easier for people to buy health care with those tax cuts.

In addition to a tax cut, this bill also represents increased wages in the pockets of millions of Americans. Even my colleague from Idaho agrees that as a result of this bill, Americans will see increased wages. He said that exact thing on the floor last week. As a result of this bill, many Americans will see increased wages.

Senator CRAPO gave the example of an employee, the value of whose health insurance decreased but whose overall compensation did not decrease. As a result, the employee would receive additional wages.

Why are workers going to complain that they are paying more in wages because they have more money in their pocket? If incomes are going up, their wages are going up. Clearly, their taxes are going to go up correspondingly, but obviously the taxes are not going to go up by as much as the wages.

I have a letter from the Congressional Budget Office, dated November 18, that states just that. On page 18, the Congressional Budget Office says:

If employers increase or decrease the amount of compensation they provide in the form of health insurance (relative to current law projection), the Congressional Budget

Office and the Joint Committee on Taxation assume that offsetting changes will occur in wages and other forms of compensation—which are generally taxable—to hold total compensation roughly the same.

I have a chart behind me that shows that very point for each of the years this bill is in effect. Looking, first, over to the left—the chart shows from 2013 up to 2019, but on the far left, the green is the percent of total tax revenue due to increased wages. That is wages increasing. The white is the percent of total tax revenue due to excise taxes, the increased taxes the person will have to pay. Wages far outstrip the taxes. The increase in wages is far greater, according to the Congressional Budget Office and the Joint Committee on Taxation.

Just to repeat, as that chart illustrates, the overwhelming majority of revenue raised from the high-cost insurance excise tax will come from increased wages. Only 17.5 percent of the revenue will be attributable to the excise tax. The rest, more than 82 percent, will come from employees getting more than their compensation wages and less in inefficient health coverage.

I urge my colleagues to recognize the Crapo motion to commit for what it is—and what is that? It is an attempt to kill health care reform. That is all it is all about, nothing more, nothing less. Senator GRASSLEY said as much last week. Senator GRASSLEY asked us to vote in favor of the motion to commit ''to stop this process right now.'' That is a direct quote.

We must not stop this process. We must not stop moving forward in our efforts to reform health care. Indeed, we must move forward aggressively. Every day we delay, 14,000 Americans lose their health insurance. Every day we delay, 14,000 Americans lose their health insurance. In just a 2-week period, one in three Americans will go without health care coverage at some point. We cannot afford to stop working toward reform. We must reject any attempt to eliminate the very provisions from this bill that provide Americans with a tax cut in an attempt to stop health care reform. Despite Republican claims that they are trying to protect Americans from tax increases in this bill, the facts are this bill is a tax cut for most Americans.

On a related matter, there has been some discussion about the Office of the Actuary analysis of the Senate bill. Let me cover two very key points from that letter.

The Actuary at HHS concludes that this legislation extends the life of the Medicare trust fund by 9 years—9 years. We know the Medicare trust fund is in a precarious position until, roughly, 2017. There are some estimates that this underlying bill would increase the solvency of the trust fund for 4 to 5 more years, say to 2022, roughly. The Actuary, the person who number crunches over at HHS, concluded this legislation will extend the life of the Medicare trust fund by 9 years. That is no small matter. Seniors, near seniors, are very concerned about the solvency of the health care trust fund. This legislation extends the solvency of the health care trust fund by 9 years.

So just think, if this legislation is not passed, the solvency of the health care trust fund will not be extended by 9 years. The Actuary says, the Medicare trustees say it will probably start to become insolvent, the Medicare trust fund, the Medicare trust fund will become insolvent in just a few years—2017. Clearly, it is very important to extend the solvency of the Medicare trust fund. How does this legislation extend the solvency of the trust fund? It is very simple. We cut out a lot of the waste. We cut out a lot of the inefficiency. We make the system work better so the fund is extended for 9 more years.

In addition, the Actuary says this legislation, by the year 2019, will result in about a $300-per-couple reduction in Part B premiums. In addition to that, the Actuary concludes the legislation will result in about a $400-per-couple deduction in cost sharing. If you add the two together, that is about $700. So by the year 2019, as a result of this legislation, according to the Actuary—it is in black and white there—it says right there, in print, there will be about a $700 reduction in premium Part B and out-of-pocket costs for seniors. That is no small matter. It is a reduction.

On the other side of the floor, we sometimes hear all this rhetoric about increases. It is just that—it is rhetoric. The actual analysis shows a reduction.

I also hear rhetoric on the other side about this legislation resulting in increased premiums for people. Not true. The Congressional Budget Office has concluded that for 93 percent of Americans, there will be a reduction in premiums—a reduction in premiums. To be fair, for those who are already employed, the reduction is not huge, but it is a reduction, nevertheless. It is about a 3-percent reduction in premiums. That is a reduction. We have to keep working to make it an even greater reduction. I daresay—in fact, I know as sure as I am standing here—the reduction will be greater. Why will it be greater? Because a lot of the provisions in this legislation—in my view, the Congressional Budget Office hasn't fully analyzed provisions such as delivery system reforms. We start to bundle competent care organizations. We start pilot projects. The result of that will be a reduction in costs and therefore a reduction in premiums.

Also not calculated is the Commission which will look at productivity. That is not included in the CBO analysis. If that were included in the CBO analysis, the reduction would be even greater. We are talking about the remaining 7 percent—remember, I said 93 percent would get a reduction in premiums according to CBO. The remaining 7 percent don't get a reduction, but what do they get in return? They get much better insurance because we have insurance market reform in this legislation. No more preexisting conditions. No more rescissions. No more denial based on health status. No more company limitations on annual losses. No more limitations on lifetime losses. So for the same premium, they are going to get a lot better quality. Instead of buying a used car, they are going to get a new car for roughly the same price.

So the analysis of this legislation is very clear: Reduction of premiums, CBO says so; extension of solvency of the trust fund, CBO and the Actuary say so; a reduction in premiums and out-of-pocket costs for a couple by $700 by the year 2019. That is what the Actuary says.

So this legislation lives up to the promise we made earlier. It does not raise taxes for people making under $200,000. I think the legislation should clearly be passed.

Let me say this too. Someone once said—and I will conclude here—that the status quo is really not the status quo. If this legislation is not passed, the result is not the status quo; the result is we move backward. We have two choices. Either we move forward as a country and seize this opportunity to tackle health care reform and do our very best to get it right or we don't; we do nothing, and we keep sliding backward. Think of the repercussions of not passing this legislation. Think of it. First of all, tens of millions of people will not have health insurance. That, in itself, is pretty profound. Second, we will not have health insurance market reform. We will still have denial based on preexisting conditions, which is basically what the other side is arguing for.

We would not cut down health care costs, which our businesses need so much, and families need so much, and our budgets need so much. Remember, I mentioned the legislation extends the solvency of the Medicare trust fund.

That is emblematic of some of the savings that we have in other government programs, too, because health care costs are rising so much. Medicare is in tough shape, and so is Medicaid because health care costs are rising so much. The CBO and the Actuary say we are controlling health care costs.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak for up to 40 minutes and to use that time in a colloquy with other colleagues.

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

Mr. CRAPO. I also ask to be notified when there are 5 minutes remaining.

The PRESIDING OFFICER. The Chair will do so.

Mr. CRAPO. Mr. President, I am going to engage in a colloquy about the pending motion on which we will vote later this afternoon or early this

evening. It is a motion to commit the bill to the Finance Committee and have the Finance Committee make the bill comply with the President's pledge. Here is the pledge:

> I can make a firm pledge . . . no family making less than $250,000 will see their taxes increase . . . not your income tax, not your payroll tax, not your capital gains tax, not any of your taxes.
>
> . . . you will not see any of your taxes increase one single dime.

I heard my colleague from Montana say the bill complies with this pledge. If that were true, then there would be no harm in having the Finance Committee scour through it and make sure it does and refer the bill back to make sure it doesn't tax the middle class.

The reality is, it is very clear this legislation violates this pledge of the President. As a matter of fact, there are over $493 billion of new taxes in this bill meant to offset the $2.5 trillion during the first full 10 years of implementation of spending in the bill.

If you will look at the next chart, at the graph on taxes, the first 10 years—this includes the fees also imposed that CBO and Joint Tax said will be passed right on through to the consumer. There are $704 billion of taxes and fees in the first 10 years of the bill. If you look at the 10 years of full implementation, meaning when the spending actually starts, the taxes and fees are actually $1.28 trillion.

My colleague says this is a net tax cut bill, and it complies with the President's pledge because when you take all of the refundable tax credits in the bill and offset against the tax increases, there is a net reduction in tax. In the first place, that is not true when you take into account the fees. I don't think that is what the President was talking about. He didn't mean, did he, that you will not see your taxes go up more than someone else's taxes go down? No, he told people in America they would not see their taxes go up.

Yet what this bill does, according to the Joint Tax analysis, is, by 2019, at least 73 million American households earning below $200,000 will face a tax increase.

If that is not violating the President's pledge, I don't know what is—even if you take the numbers that the majority is trying to use and claim that those are tax cuts.

Here is the next chart. What my colleague from Montana is talking about is about $400 billion of what are called refundable tax credits. He wants to offset these tax credits in the bill against the hundreds of billions of dollars of tax increases, and then say there is a net tax cut and, therefore, no problem.

First of all, that is a problem. Secondly, what is a refundable tax credit? The $288 billion, or 73 percent of the so-called tax credit—or tax cuts that my colleague from Montana is talking about—are payments by the Federal Government to individuals or families who do not have tax liability. It is a direct government subsidy. The CBO scores these payments as a Federal outlay, as spending, not as tax relief, and that is exactly what it is. I think it is a little bit less than credible to say that we have a tax cut bill when three-fourths of the so-called tax cuts don't even go to reduce tax liability for taxpayers.

Mr. ENSIGN. Will my colleague yield?

Mr. CRAPO. Yes.

Mr. ENSIGN. Would the CBO—which is nonpartisan—score a welfare payment the same as these so-called tax credits?

Mr. CRAPO. Yes, that is right. A payment of a subsidy to an individual in the United States would be scored as a Federal outlay, or spending, as is a refundable tax credit paid to an individual who has no tax liability.

Let's assume we even accept the argument that is a tax cut. Even if you offset all of that, remember the chart a minute ago that said 73 million people would pay taxes. Even if you give them credit for that argument, there are still going to be 42 million people making less than $200,000 a year who will face a net tax increase. That is a violation of the President's pledge.

All this motion does is send the bill back to the Finance Committee, which writes tax policy, to correct that. The motion helps this bill comply with the President's pledge.

The Senator from Montana also used another example, trying to say some of these people who are paying more taxes are getting higher wages. This is the game that is going on. The employer of these people the Senator was talking about today provides a salary and health care to that employee. In this example, it is $50,000 of wages and $10,000 of health care benefits. This bill will now impose a hefty 40- or 45-percent tax on this health care plan because it is too good of a health care plan.

What CBO and Joint Tax tell us is that because of that immense tax—40- to 45-percent tax—the employer is just going to cut the health care plan down to where it is not taxed anymore and provide those dollars with an increased wage. So this young lady will get maybe $53,000 in wages instead of $50,000 and only $7,000 of health insurance, and her net employment compensation will still be the same, $60,000—except she will pay taxes on an extra $3,000. So her net employment package will go down not up, and 73 million Americans like her will end up with a smaller employment package, less health care benefits, and increased Federal tax liability. That is the way the bill works.

For issue after issue, there are taxes after taxes in this bill that will be paid by the people in this country who earn less than those on the threshold the President identified. That is why we simply ask that the bill be sent to the Finance Committee to have this violation of the President's pledge, this bad policy of increasing taxes on the middle class in America to pay for a huge new government entitlement program, be removed from the bill.

Mr. BARRASSO. Mr. President, I ask my colleague this: I was reading a national publication yesterday, and the headline is ''Making Nightmare Out Of Health Care.'' It says taxes will go up. This also says the proposed overhaul contains, at last count, 13 different tax hikes. It goes on to say the Joint Tax Committee said that for any one person who may end up paying lower taxes, there will be nearly four times as many—close to 70 million people—who will pay higher taxes.

That is why I have been waiting for a week now to vote for the Crapo motion. This was introduced last Tuesday. A whole week has passed, and the Democrats have been filibustering and preventing us from voting on this very important amendment, which the American people agree with—that we ought to eliminate these taxes and stick with what the President promised the American people.

As a result of the President's promises, I read a recent CNN poll. It says that 61 percent of Americans oppose this bill the Democrats are proposing. It gets to the specific question of tax increases and the President's promise. It says:

> Do you think your taxes would or would not increase if this bill passes?

And 85 percent of the Americans polled said they believe their taxes will go up.

I ask my friend from Idaho—it seems to me the American people get it; they realize they are going to be hit hard with this $500 billion of tax increases, 13 different taxes, which will get put on the backs of the hard-working people of our country.

Why is it that we are not allowed to vote on this motion? I will vote for it. I appreciate the Senator from Idaho bringing this motion forward because, clearly, the support of the American people is behind him.

Mr. CRAPO. I thank my colleague. I will give some statistics on the point. The Joint Tax Committee analyzed just the four biggest tax provisions—not all of them—and they concluded that only 7 percent of Americans would be receiving these so-called tax cuts, which are really spending subsidies but have been characterized as a tax cut in order to argue that the bill doesn't increase taxes. Only 7 percent of Americans will receive those, which represents about 19 million people, but 157 million people—almost 8 times that amount—who get health insurance through their employer will not be eligible for these credits. They will pay, on average, somewhere between $593 to $670 a year, depending on their income categories, in new taxes that are put on their shoulders in this bill.

I notice that my colleague from Tennessee wants to say something.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Idaho

for his amendment to help the President keep his commitment. That is basically what it is. I would think our friends on the other side would all want to join us in that. The President said he would not raise taxes on people making less than $250,000 a year.

It is amazing to hear the comments that I have just heard. The whole construction of the bill—when we think about it, regardless of whatever the Democrats decide to do about the so-called public option, they still seem determined—at least the majority leadership seems determined—to engage in this political kamikaze mission toward a historic mistake. There is all this talk about history. But there are lots of different kinds of history.

A lot of historic mistakes have been made about taxes. For example, there was the Smoot-Hawley tariff of 1930, which was a big tax. It sounded like a good idea. President Hoover, a Republican, recommended it to protect American jobs by keeping out cheaper foreign products. That led us into the Great Depression. It was a historic mistake. More recently, there was the boat luxury tax. This sounds good. It was part of the budget deal of 1990. Congress put a 10-percent luxury tax on boats costing more than $100,000. Sound familiar? We were going to hit the rich people. But it got the working people, not the rich people. The unintended consequence was that it sank the boat industry, costing 7,600 jobs, according to the Joint Economic Commission, and Congress repealed that historic mistake. There was also the Medicare Catastrophic Coverage Act of 1988, another good-sounding goal, to help older people reduce the risk for illness-related catastrophic financial losses. But a lot of our senior Americans resented the idea of paying additional taxes for that coverage, and they revolted. Congress, less than a year and a half later, repealed it.

We all remember the millionaires tax. That is a matter of history. In the late 1960s, there were 155 high-income Americans who weren't paying any Federal income taxes, so Congress imposed something called the alternative minimum tax. Last year, that affected 28 million American taxpayers.

I say to my friend from Idaho, I think he is doing the country and the President a great service by offering this amendment to help keep the promise because whatever the majority leader decides to do about the government option, this legislation—when fully implemented—still contains $1 million in Medicare cuts 5 years before Medicare is scheduled to go broke, according to their trustees.

It is nearly $1 trillion in new taxes over 10 years when fully implemented, as the Senator from Idaho has pointed out. There is no question about that, it is an increase in premiums for most Americans, according to the Congressional Budget Office. And yesterday on this floor, we talked about the huge bill we are about to send to States to help pay for this in the Medicaid Program.

It is important to support the Crapo motion. It is important for our country not to have this historic mistake thrust upon them.

Mr. ENSIGN. I would like to jump in here and ask the Senator from Idaho a question. From what I understand, the taxes go into effect—actually, this is from yesterday, so I think it would be in 17 days from now based on the current bill before us. All of these taxes the Senator from Idaho has on his chart are all the taxes the President said he would not violate. The article yesterday said 13 taxes. We know of at least nine absolute taxes that would go into effect. But the tax subsidies, these payments to folks who do not have a tax liability, those are not received for 1,479 days; isn't that correct?

Mr. CRAPO. The Senator from Nevada is correct. The fact is, the taxes start on day one of the bill. The spending, which is what these alleged tax cuts are that my colleague from the other side was talking about, does not start until the fourth year or 2014. And that is just one of the gimmicks in the bill in order to claim it does not drive up the budget—have 10 years of tax increases and only 6 years of spending to offset against it. I think that is how they started the spending days. They figured out how long they had to delay it so they could claim it would not drive up the deficit.

Mr. ENSIGN. I want to address one of these taxes, the so-called Cadillac tax that the Democrats have put into this bill. The problem is, they did not index it for inflation. As time goes forward, with the red line as the threshold, the Democrats indexed it for what is called the consumer price index plus 1 percent. That goes up a little bit. The problem is, medical inflation is going up much faster. What happens is—the blue line is the average plan in the United States—that is how fast it is going up. We can see that is much higher. At this point, it starts catching most of the plans in the United States.

This 40-percent tax the unions are running ads against right now is going to start getting almost all Americans' plans in the future. That is the reason a lot of people do not realize this is a tax. It may not get them today, but it is going to get them eventually. What is going to happen is this tax will be passed on to them in lower benefits.

Mr. CRAPO. The Senator from Nevada is correct.

Before I toss the floor to the Senator from Texas who wants to make some comments, I point out that the point the Senator from Nevada made is statistically made by Joint Tax:

> By 2019, at least 73 million American households—

That is not 73 million Americans, that is 73 million American households—

> earning below $200,000 are going to face these tax increases.

Mrs. HUTCHISON. If I may respond to the Senator from Idaho. I was thinking, when the Senator from Tennessee was talking, about the luxury taxes and how everyone thought that felt so good to have a tax against luxury boats. And who suffered? The workers. Then there was the catastrophic Medicare coverage which resulted in a tax on seniors who had that coverage. Seniors erupted, and that was repealed. Then that is followed on by what the Senator from Nevada talks about—the Cadillac plan, which is the high-end plan of coverage.

I thought, maybe Congress has learned something. Maybe the Democrats are on to something. They have listened to the history of all of these good-sounding taxes on rich people or people who buy expensive things. As the Senator from Nevada has pointed out, they have now learned they probably ought to go ahead and tax both ends instead of just the high end because in this bill, you have a tax on the high-end plans. You have a tax on employers who provide too much coverage. Oh, but we also tax the people who do not have any coverage. If it is too small, you get taxed, and if it is too big, you get taxed. It seems that maybe the Democrats learned the wrong lesson. It is not that you tax just the rich or the people who buy expensive things, it is that you tax both ends to make sure you get every little drop of taxpayer dollars.

I think we have shown on this floor from the endless hours of debate that everyone in America is going to be taxed because the taxes that take effect in 3 weeks' time under this bill, January of 2010—the major tax increase takes place, and that is the tax increase on prescription drugs; on insurance companies that are going to have to raise their premiums; the drug costs are going to go up; and medical equipment, which is essential for seniors, especially for everyone who needs some form of equipment, the equipment manufacturers are going to have a tax. Mr. President, $100 billion in new taxes starts next January, 3 weeks from now. Every person in America is going to pay taxes in the form of higher prices starting in 3 weeks.

The Senator from South Dakota and I are sponsoring legislation because the next question will be: Oh, my goodness, if we are going to be taxed in 3 weeks, surely we are going to have some sort of benefit offered in 3 weeks, some sort of low-cost health plan or option. Three weeks, surely. Oh, no, we are not going to have any of the plan that would offer options to people—not in 2010, not in 2011, no, not in 2012, not in 2013, but 2014.

So all these higher prices are going to start kicking in in January, and then we are going to have the Cadillac plan that the Senator from Nevada mentioned in 2013, all being paid before one supposed benefit would be available. If this is not a bait-and-switch, I have never seen one.

The Senator from South Dakota and I are going to offer the next amendment after the ones that are in the

tranche right now to very simply say: Whatever the bill is in the end, there will be no taxes until there is a plan. Not one dime of taxes could take effect until there is actually some sort of plan available that would, hopefully, give some sort of benefit to people, which is what is being promised.

I ask the Senator from South Dakota if that is his understanding, that we would at least draw a line. Whereas Senator CRAPO's motion, which I support and I know everyone on the floor talking this morning supports, is to say there will be no taxes to anyone who makes under $200,000. But even if there are taxes in the end, they will not take effect until there is some sort of plan available for people that is going to help Americans who do not have coverage and for whom we are not able to lower the cost, which is what the Republicans are trying to do. At least we would set that deadline.

I ask the Senator from South Dakota what he has been hearing about this bill.

Mr. THUNE. My colleague from Texas is exactly right. Her motion and the motion I am cosponsoring, which we hope to vote on next, will be a follow-on motion to the motion the Senator from Idaho is offering.

It seems a basic principle and a matter of fairness to the American people that if you are going to create public policy, that you do it in a way that treats people fairly and does not raise their taxes before a single dollar of the premium tax credits and the exchanges that are designed to create the new insurance product for people would take effect. That is what this bill does.

The motion of the Senator from Idaho commits all of the tax increases—and I will support that wholeheartedly, and I hope my colleagues in the Senate will do the same because these tax increases are the absolute worst thing we can do at a time when we have an economy in recession and we are asking small businesses to lead us out of the recession. Seventy percent of jobs in the country are created by small businesses. It is much higher in my State of South Dakota. These tax increases could not be more poorly timed in terms of getting the economy restarted and creating jobs for Americans and getting them back to work. Since most people get their insurance—at least currently—through their employer, one of the best things you can do to provide insurance is to put people back to work. This bill has the opposite effect. It is a job killer because of all of the tax increases. Every small business organization has said that. That is why it is so important we support the motion of the Senator from Idaho.

Senator HUTCHISON and I will also offer a motion—hopefully, we will get a vote on it later—that at least will delay the tax increases until such time as the benefits begin. It essentially aligns the revenue increases and the benefits so they are synchronized and you do not have this period of 10 years where you are taxing people for 10 but only delivering a benefit for 6. Again, I think that violates a basic principle of fairness most Americans should expect when it comes to their elected leaders making public policy which will have a profound impact on them and their lives. I certainly hope we get a vote on that motion, and I hope our colleagues will support it. To me, it is unconscionable that you would raise taxes by $72 billion, which is what this does, up until the year 2014 before the premium subsidies and the exchanges kick in which would deliver the benefits that are supposed to be delivered under this bill. The Senator from Texas and I look forward to getting a vote on that motion.

I hope we can win on the Crapo motion later today.

I appreciate my colleagues being here to point out how important it is that we have public policy that is fair and also that we not do things that are counter to job creation at a time when we are asking small businesses to get out there and create jobs and make investments.

Mr. BARRASSO. The Senator from Idaho had a picture of a woman making $50,000 and the health benefits that resulted. My concern is not just her taxes; my concern is also her job. It is also a fact that she would still have a job.

What I hear from the people of Wyoming is: Don't raise my taxes, don't cut my Medicare, don't make matters worse than they are right now in this economy where we have 10-percent unemployment.

Like the Senator from South Dakota, I am a member of the National Federation of Independent Business. I have been a member for years. They are telling us that as these taxes are raised and collected in 2010, 2011, 2012, 2013, in 2010 we are going to lose 400,000 jobs in America, and in 2011 another 400,000, and another 400,000 after that, and another 400,000, as the taxes continue to be collected. So we would be losing in this country 1.6 million jobs as a result of these increased taxes all Americans are going to have to pay.

I ask the Senator from Idaho, isn't it even more critical that we pass his motion in addition to the fact that we do not want these taxes? They are going to hurt our economy across the board.

Mr. CRAPO. The Senator from Wyoming is exactly right. It is the wrong thing to do when our economy needs to be strengthened and restarted, if you will, to apply a huge amount of new taxes.

Let's take the example we talked about earlier. This young lady, under the bill in the Senate right now, will not only see her health benefits go down, but the net value of her compensation package will go down. She will get a little extra wages in order to offset the reduction of her health care benefits, but those will be taxed and her net compensation package will go down.

The point here is this—and it is a little bit ironic that today the Democratic caucus is going to be meeting with the President at the White House in yet one more closed-door meeting where they are going to be trying to redraft the bill in order to get around some of the problems, which I hope they will let the American people see to debate before they try to vote on it again.

It is ironic, as Democrats come out of that caucus, if they do not support this motion, they will be violating two of the President's pledges. One, after meeting with him, they will be violating his pledge not to tax Americans who make less than $200,000—$250,000 for a family—as well as his pledge: If you like it, you can keep it.

This young lady, if she likes her package, cannot keep it. She will not have that option. Her $10,000 health care package will be reduced at least $2,000 to the minimum new government-designed acceptable policy and probably a little more than that. She will see a 20- to 30-percent reduction in her health care package against her will. I would be willing to bet she would prefer to keep the one she has now. Most Americans like the insurance they are getting through their employers.

Mr. ENSIGN. I would like to ask the Senator from Idaho a question. These are the nine taxes we know for sure that are being raised: 40 percent Cadillac plan, a separate insurance tax, an employer tax, a drug tax, a lab tax, a medical device tax, a failure to buy insurance tax, the cosmetic surgery tax, and the increased employee Medicare tax.

In our States, people think we will pass a sales tax, and the business will just pay the sales tax. I ask the Senator from Idaho, who actually pays the sales tax? Who have the Congressional Budget Office and the Joint Committee on Taxation, which are both nonpartisan, said are going to pay these taxes?

Mr. CRAPO. The Senator was there when the Joint Tax and CBO experts were asked this question. They squarely and directly said these taxes and fees will be passed on, virtually 100 percent, to consumers, which means two things. First, the ones that are taxes will just be taxes passed on to the consumer, as shown in the example of the young lady we looked at. The ones that are fees will simply be passed on in the form of higher costs for medical services or higher premiums, which is one of the reasons why, contrary to the assertions by the other side, this bill will drive up the cost of health care and will drive up the cost of premiums, not down.

Mr. ENSIGN. The last thing I would like to point out goes along with the Senator's chart. This is what the Joint Committee on Taxation has said: 84 percent of all the taxes being paid in this bill are being paid by those making less than $200,000 a year. If this is

not a direct violation of the President's promise not to raise one dime of their taxes, I don't know what is. I don't understand how the President can sign this bill and keep to the promise he made during the campaign.

Mr. CRAPO. I agree with the Senator from Nevada. It is disturbing to see the responses. First, the response that this bill actually doesn't increase taxes; it cuts taxes. That flies right in the face of the reports and analysis by Joint Tax and CBO. I encourage everybody to read this bill. It is available on my Web site and on the Republican Web site and on the C–SPAN Web site. In addition, we will put up a reference to where you can find the bill to read it if you want to parse through it to determine who is telling the truth. The bottom line is, this bill increases taxes in the first 10 years by $493 billion. When you add fees to that, it is more like $700 billion. If you counted the first full 10 years of implementation, it is over $1 trillion of new taxes. The only response to that is to try to say that the subsidies for health insurance for those who are not able to purchase their own insurance are tax cuts, even though three-fourths of them go to those who are not, at this point, at a level where they are incurring a tax liability.

Mr. THUNE. My understanding is, those premium tax credits actually go to the taxpayer. When you say this is a tax cut for people, does it end up in the pockets of the average taxpayer?

Mr. CRAPO. The Senator from South Dakota is correct. In fact, this subsidy is not paid to the individual. It is paid directly to the insurance company. Of the one-quarter of people receiving this subsidy who do actually pay income taxes, their income taxes will, in fact, stay the same. They are not actually getting a tax cut. What they are getting is a subsidy for the purchase of insurance that is managed through the Tax Code but is paid directly to the insurance company.

Mr. THUNE. That is precisely why the arguments made by the other side that somehow this is a tax cut sort of defy what I think most Americans have come to expect when they get a tax cut; that is, that they get to keep more of what they earn. What we are talking about is a payment that will be made to an insurance company, a tax credit for premium subsidies that will go to an insurance company. There will be very few Americans, as a percentage of the total population, who will actually derive any sort of benefit. My understanding is, about 10 percent of all Americans will get some benefit from the premium subsidies that will go to the insurance company, not directly to the taxpayer; is that correct?

Mr. CRAPO. It is actually 7 percent.

Mr. THUNE. So we have a very small number of Americans who will derive a benefit. But you have a whole lot of Americans who will actually be paying the freight. The Senator mentioned earlier—I saw his chart—that 73 million Americans are going to end up with higher taxes as a result. Many of the premium tax credits, if you could give credit to the taxpayers receiving this, which you can't because it goes to the insurance company, but if you could, three-quarters of that will go to people who currently have no income tax liability. It seems as if the advertising on this is very inconsistent with reality and the facts. The fact is, most Americans will see taxes and premiums go up. Very few Americans are going to get some premium tax credit to help subsidize their premium cost, and that will go directly to the insurance company. I understand the Senator from Idaho and the Senator from Nevada are both members of the Finance Committee. They have been involved with this from the beginning. That is my understanding of this, which is hard to fathom how that constitutes a tax cut.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Idaho has consumed 35 minutes.

Mr. ALEXANDER. I agree with the Senator from South Dakota. People who might be watching this must be thinking: Wait a minute. Let me ask the two members of the Finance Committee: What the Democrats are trying to say is, a Medicare cut is not a Medicare cut and that a tax increase is not a tax increase and that a premium increase is not a premium increase. Isn't it true that when the bill is fully implemented, there will be nearly $1 trillion in Medicare cuts, and isn't it true that there will be nearly about $1 trillion, when fully implemented, in new taxes? Isn't it true the Congressional Budget Office has said that will all be passed on to people? Isn't it true that all the taxes start in January, if the bill passes? Isn't it also true the Congressional Budget Office has said premiums are going to continue to go up and, for people in the individual market, they will go up even more? Isn't that all true?

Mr. CRAPO. I will respond first. The Senator from Tennessee is exactly right. Again, on this chart, these are the tax increases for the first 10 years of the bill, and this chart includes the fees and penalties that are charged as well. The total there is $704 billion. If you start when the bill becomes implemented or is started to be implemented, in 2014, to compare taxes to spending, the actual taxes and fees that will be collected are almost $1.3 trillion.

Mr. ENSIGN. There is no question. I can answer the Senator's question: True, true, true, and true. The old saying, if it walks like a duck and it quacks like a duck, it is a duck. These taxes sometimes are called fees. The Supreme Court has ruled that a fee that acts like a tax is, in fact, a tax. Most of the provisions we talked about before, we call them a tax, and that is what they are. These nine new taxes are a tax. You are exactly right. The Joint Committee on Taxation and the CBO have said these are going to be passed on to the consumer. What they have also said—and I thought this was significant—is that 84 percent of all these taxes are going to be passed on to people who make less than $200,000 a year. That is what we have been saying. The other side says: We are just going to tax the rich. When 84 percent of that tax burden is paid by people making less than $200,000 a year and the vast majority is also paid by people making less than $100,000, the vast majority is being paid by people who make less than $100,000 a year, the same as sales taxes. The sales tax has been called a regressive tax. These are regressive taxes the Democrats are passing on to the American people.

Mr. CRAPO. I thank my colleagues for coming over and speaking today and discussing this issue with me. I would like to conclude by pointing out, once again, the President said he could 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. But there are hundreds of billions of dollars in tax increases in this bill that are going to fall squarely to the backs of the middle class.

Our motion simply says: Let's fix that and take it out. The bottom line is, those who are saying that is not the case are trying in the first case to say there are subsidies in the bill that almost equal the amount of these taxes and, therefore, it is a net tax cut. First, subsidies are not tax cuts. Three-quarters of them go to individuals who have no tax liability. The other one-quarter does not reduce the tax liability of the individuals who are getting the insurance subsidy. Even if you accept all of that argument, the President was not saying you will not see net taxes go up in America. The President was not saying: We will not cut or not increase your taxes by more than we will cut someone else's taxes. I don't think anybody expected that was what he was saying. The President was saying he would not raise taxes in this bill. This bill violates that pledge.

Therefore, Members should support the motion to send this bill back to the Finance Committee to fix that glaring problem.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak on the

time allotted to the chairman of the Finance Committee relative to his amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Mr. President, there has been a lot of talk about taxes and health care. What we are discussing is this bill. It is a large bill, over 2,000 pages, but we needed all these pages because we are tackling one of the biggest problems facing America. How can we take a health care system that consumes $1 out of every $6 or $7 in our economy and change it for the better, keeping what is good but changing those things that are not so good? One of the things that concerns most of us is the cost of health insurance premiums. Ten years ago, an average family of four paid $6,000 a year for health insurance. Now that is up to $12,000. If we are not careful, in 8 years it is projected to double again to $24,000 a year for health care premiums. Think about that, trying to earn $2,000 a month in 8 years just to pay for your health insurance, nothing else. That is beyond the reach of individuals and beyond the reach of a lot of businesses. Even today, businesses are dropping people from coverage.

We now have some 50 million Americans without health insurance, and more and more businesses are just putting their hands up and saying: We can't go any further in paying higher premiums.

Individuals who go out on the open market know what they run into. You know you will run into the highest possible premiums and rank discrimination. Try to buy a health insurance policy if you have any history of illness. They will tell you: We are not covering that. Cancer in your background; we will not cover it. That is what people face. This current system is unsustainable. We have tackled it, and we said we are going to put the time in to change it for the better. This is our bill.

I would like to hold up in my other hand the Republican plan for health care reform, but it doesn't exist. They don't have a plan. They have speeches. They have press releases. They have charts. But they don't have a plan. I am talking about a plan that has gone through the rigors of being carefully reviewed by the Congressional Budget Office, a plan that is comprehensive, something that addresses all the problems in this system in a responsible way.

They have bills. They have ideas. I don't want to say anything negative about them, though I may disagree with them. But they don't even come close to being a comprehensive plan. Many of the critics on the other side come to the floor every day and give speeches about what is wrong with the Democratic health care plan because they don't have one. If they did, we would have heard about it. You would have thought it would have been the first amendment offered by the Republican side, if they truly have such a plan. Of course, they don't.

What does this plan do? First, it makes health insurance more affordable. We have the Congressional Budget Office telling us: Yes, the projected increase in health insurance premiums is going to flatten; it is going to come down a little. It doesn't mean that automatically people are going to see their premiums coming down next year, but they may not go up as fast. And over time, we won't see them doubling as quickly as had been predicted.

Secondly, this is a plan which is going to mean that 31 million Americans who currently have no health insurance will have health insurance. That is pretty important. In all the criticism I have heard from the other side of the aisle, there has not been a single proposal from the Republican side that would expand in any significant way the amount of coverage for Americans when it comes to health insurance. But here are 31 million Americans who will at least have the peace of mind of knowing when they go to bed in the evening that if tomorrow there is a bad diagnosis or a terrible accident, they will be covered; they will have peace of mind they can go to the best doctors and hospitals in America. That is significant.

There is another element too. We know that right now the health insurance companies really have the upper hand when it comes to negotiating for coverage. You know what I am talking about. Your doctor says: I think you need the following procedure, but I have to check with your insurance company. Think about that. We may be the only Nation on Earth where a clerk working for an insurance company has the last word about life-or-death medical care. That is what is going on today.

This bill makes significant changes when it comes to health insurance. It protects individuals from being discriminated against because of preexisting conditions, makes sure the companies can't run away from coverage when you need them the most, and extends the coverage and protection for children and families. These are important things that are going to mean a lot to people across America.

But now comes the Republican side of the aisle and says: Oh, but they didn't tell you the real story. It is all about your taxes going up. Well, I am afraid that is not quite right. The criticism I have heard on the floor about this bill ignores the obvious: this bill provides the most significant tax cuts in the history of this country—$440 billion in cuts over the next 10 years. What kind of tax cuts? If you are making less than $80,000 a year, this bill says: We will be there to help you pay the premiums. That doesn't exist today. If you don't have coverage under Medicaid and you are buying health insurance and your income is below $80,000 a year—we are providing tax cuts to millions of Americans so they can afford their health insurance, the biggest tax cut, I think, in the last 20 years or more. In addition, there are tax breaks for smaller businesses. If you have 25 or fewer employees, we will help you and your business provide health insurance for your employees. That is significant.

In fact, the Joint Committee on Taxation takes a look at the new taxes charged and the tax cuts that are in the bill, and they say Americans will pay 1.3 percent less in taxes in 2017 as a result of the bill. So the tax burden on Americans starts to come down while insurance coverage goes up.

But don't forget the hidden tax we pay today. When people show up at the hospital without health insurance, they get care. They see a doctor, they may have x rays and all the procedures and all the medicines. But if they can't pay, the hospital charges the other patients. We all pay. About $1,000 a year is paid by families now for those who have no health insurance. As more and more Americans are covered, that burden stops shifting over to those who have insurance, and that is a good thing. That hidden tax is largely ignored by the other side of the aisle, but we know it is a reality.

We also think these tax credits will make insurance more affordable. The Joint Committee on Taxation says that by 2017, these tax credits in the bill will reduce taxes by $40 billion a year for millions of Americans.

We also hear a lot said about the excise tax on insurance policies at the higher levels. That is a tax not on individuals but on the insurance companies as a disincentive to keep running up the cost of premiums and instead try to bring efficiency and cost-effectiveness into quality care.

Health reform is good for our economy too. A lot of businesses that are trying to offer health insurance find that they lose their competitive edge as the cost goes up. So as we start bringing cost down, it means more competition, more job creation, and a greater economy.

I can understand why the other side of the aisle has spent most of their time finding fault with this bill. In fact, that is part of their responsibility in the Senate. But I had hoped, at the end of the day, they would have offered their substitute, their idea on how we can truly achieve health care reform. The fact they have not reflects one of two things: It is a very tough job to do. This is a big bill, it took a lot of work, and perhaps they couldn't come up with a bill themselves. As an alternative, maybe they like the current system. They may like the health insurance companies and the way they treat Americans. They may think it is okay that the cost of premiums will continue to skyrocket beyond our reach. Most Americans disagree, and I do too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak on time under the control of the Senator from New Jersey.

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

Mr. CARPER. Mr. President, let me follow up on some of the comments of my colleague from Illinois.

I am always struck, when I am back home—and I addressed the homebuilders in our State yesterday—by the extent of the misinformation and confusion. When I actually talk to people about the underlying legislation before us, as our deputy leader has done here again today, there is a lot to like about the legislation—a lot to like about the legislation.

One of the pieces that hasn't been focused on a whole lot and that I want to mention deals with how do we better ensure that people who are sick get well and people who are not sick don't become sick as it applies to the use of pharmaceutical medicines.

Our legislation calls for doing a number of things.

First, if people could actually be healthy, stay healthy, or get well by taking certain pharmaceuticals, we would all save money in the end. But under the current system, unfortunately, too many people in this country who would be helped by pharmaceuticals don't actually get to see a primary care doctor. We don't do a very good job in primary care in this country.

One of the things that will flow from our legislation is better access to primary care for everybody. Let me give one example of that. Currently, if you are Medicare eligible, you have one lifetime physical from Medicare. That is it, and that occurs when you sign up for Medicare. You don't get a physical every 5 years or 10 years or 20 years; you get one physical in your life that is paid for by Medicare. That will change in the legislation we will be voting on in the days ahead. We will provide annual physicals as a benefit under Medicare.

When we have more regular doctor visits from the primary care doctor, one of the things that will come about is a better understanding of the health conditions of people in this country and the notion that some of us might actually be healthier, if we have a high blood pressure reading, if we take medicine for it or if we have high cholesterol, if we take medicine for that. So the idea is to identify problems that can be treated with medicine. Not everyone can be helped but some can.

So the first key is, let's make sure folks who will benefit from having access to a primary care doctor have that access.

Secondly, if there are medicines a person can be taking that will help them, let's hope the primary care doctor will do his job, refer the patient to a specialist, if needed, in order to identify the medicines needed.

The third point would be to make sure that when those medicines are identified, they are actually prescribed and made available to the person.

As we all know, we have the Medicare prescription drug program, the Part D Program, which is a pretty good program, and about 85 percent of the people who use it actually like it. The program has been underbudget now for each of the 4 years it has been in existence. That is pretty good. But when the drug costs of a senior citizen who participates in the Medicare drug program exceed I think about $2,200 a year, instead of Medicare paying for 75 percent of the medicine and the individual paying 25 percent—which is the case from zero to about $2,200 over the course of the year—Medicare basically says: We are out of this, and so from $2,200 to $5,200, it is all on the individual unless they happen to be very low income.

So the challenge is to make sure more folks who need access to primary care get that; if they need medicines, make sure they are available, which can be determined by the doctor or doctors as to what people should be taking; No. 3, make certain people get the medicines they are prescribed, that they can afford them, and that they actually take them; No. 4, make sure that once we have the access to primary care, we have made a determination as to what medicines can be helpful to a person and that those medicines are prescribed; and then we want to make certain the person for whom they are prescribed can actually afford them. Part of that is making sure, as we are trying to do in our legislation, we take that hole, if you will, that exists from the roughly $2,200 to $5,200 and begin to fill it in so that Medicare covers more and more of the cost.

There has been an agreement with the pharmaceutical industry to cover a portion of that hole, which will take care of about half of it, and I understand from our leadership in the House and in the Senate and the President that there is a firm commitment to close it entirely. So the range from $2,200 to $5,200 per year would actually be treated just as the first $2,200 is: Medicare would cover 75 percent of the cost, and for most people, unless they are very poor, will be responsible for paying the other 25 percent. That will help a lot of people, and that will make sure folks who were doing OK taking their medicines until they hit that $2,200 gap and stopped will keep taking their medicines and they will stay out of emergency rooms and hospitals and they will be healthier as a result.

The last piece involves something new. It is called personalized medicine. I had not heard the term before, although I have been interested in the issue for a while. As it turns out, there are some medicines for certain conditions that will help one group of people—because of the way God made them, because of their genetic makeup—and there is another group of people with a different genetic makeup that will not be helped by the same medicine even though they have the same condition.

Part of what flows from our legislation will be an ever-improving ability to determine who will be helped by a particular medicine given a certain condition and who will not be, with the same condition, simply because of their genetic makeup. So the idea of making medicines available to people who will be helped, we want to do that, and we are gaining the knowledge to be able to say this group will be helped but this group will not, and we can then spend the money where it is going to make a difference but stop spending the money where it will not make a difference. We are close to being able to do that, and we need to do that.

All this flows from this legislation, and when you put it together, I think it is actually a very attractive and very smart policy.

So overall, how do we provide better health care, better outcomes for less money? There is real potential for doing it in the ways I have just described.

I want to stay on the issue of pharmaceuticals, if I can, but I want to pivot and take a somewhat different tack now.

I wrote a letter to the administration a week or so ago, maybe 2 weeks ago, and I asked the administration for some clarification on the issue of reimportation. That is the issue before us today. We have been debating it for some time, and we will be voting later today on a proposal by the Senator from North Dakota, Mr. DORGAN, and then we will be voting on an alternative to that offered by the Senator from New Jersey, Mr. LAUTENBERG, which I support. If that amendment were actually incorporated into the Dorgan amendment, I would support the underlying Dorgan amendment.

Anyway, I wrote to the administration, and I got a letter back dated December 8. I don't think I have ever stood on the floor and read a letter, but this is one I am going to read. I want my colleagues and their staff and anyone else who is listening to actually hear what I am about to say and what the administration had to say on this subject of reimportation. It is a little—well, ''awkward'' may be the wrong word, but it has to be a little awkward for the administration because the President, when he was then-Senator Obama, was a cosponsor of the Dorgan amendment. When he campaigned for Presidency, on the campaign trail he spoke favorably of the reimportation legislation offered by Senator DORGAN. Now that he is President and he leads an administration, he is asked: What is the position of your administration on that legislation you cosponsored as a Senator and spoke in favor of as a candidate? Now that you are running the country and you are the Chief Executive of the country and you have a whole Department—the Department of Health and Human Services—whose job it is to look out for our safety and health, how do you feel about it?

So I wrote a letter basically asking the question, and here is what I received in response, dated December 8. This is from the head of the FDA, the Food and Drug Administration:

Dear Senator CARPER: Thank you for your letter requesting our views on the amendment filed by Senator Dorgan to allow for the importation of prescription drugs. The administration supports a program to allow Americans to buy safe and effective drugs from other countries and included $5 million in its 2010 budget request for the Food and Drug Administration to begin working with various stakeholders to develop policy options relating to drug importation.

The letter goes on to say:

Importing non-FDA approved prescription drugs presents four potential risks to patients that must be addressed:

(1) the drug may not be safe and effective because it was not subject to a rigorous regulatory review prior to approval;

(2) the drug may not be a consistently made, high quality product because it was not manufactured in a facility that complies with appropriate good manufacturing practices;

(3) the drug may not be substitutable with the FDA-approved product because of differences in composition or manufacturing; and

(4) the drug may not be what it purports to be, because it has been contaminated or is a counterfeit due to inadequate safeguards in the supply chain.

In establishing an infrastructure for the importation of prescription drugs, there are two critical challenges in addressing these risks. First, FDA does not have clear authority over foreign supply chains. One reason the U.S. drug supply is one of the safest in the world is because it is a closed system under which all the participants are subject to FDA oversight and to strong penalties for failure to comply with U.S. law.

Second, FDA review of both the drugs and the facilities would be very costly. FDA would have to review data to determine whether or not the non-FDA approved drug is safe, effective, and substitutable with the FDA-approved version. In addition, the FDA would need to review drug facilities to determine whether or not they manufacture high quality products consistently.

The Dorgan importation amendment seeks to address these risks. It would establish an infrastructure governing the importation of qualifying drugs that are different from U.S. label drugs, by registered importers and by individuals for their personal use. The amendment also sets out registration conditions for importers and exporters as well as inspection requirements and other regulatory compliance activities, among other provisions.

We commend [''We'' being the FDA on behalf of the administration] the sponsors for their efforts to include numerous protective measures in the bill that address the inherent risks of importing foreign products and other safety concerns relating to the distribution system for drugs within the U.S. However, as currently written, the resulting structure would be logistically challenging to implement and resource intensive. In addition, there are significant safety concerns related to allowing the importation of nonbioequivalent products, and safety issues related to confusion in distribution and labeling of foreign products and the domestic product that remain to be fully addressed in the amendment.

The letter concludes by saying:

We appreciate your strong leadership on this important issue and would look forward to working with you as we continue to explore policy options to develop an avenue for the importation of safe and effective prescription drugs from other countries:

It is signed ''Sincerely, Margaret Hamburg.'' She is the Commissioner of Food and Drug.

I suspect this was not an easy letter for Ms. Hamburg to write or an easy letter for the administration to sign off on. Given the position of the President in the past on this issue and now being confronted with the actual possibility that this legislation would become law, it has to be a struggle. I commend Senator DORGAN and others who have worked with him—I think Senator SNOWE and, I believe, Senator MCCAIN—over the years to try to address the earlier criticisms of the legislation.

What the FDA says in this letter to me, and really to us, is that progress has been made. Some of the concerns have been addressed. Unfortunately, some have not been.

What I hope we do when we vote later today is accept the offer of the administration. They have been willing to put their money where their mouth is, to actually put money in their budget request to say before we go down this road as proposed in the Dorgan amendment, let's see if we can't work this out in a way that addresses some of the remaining safety and soundness concerns. I am not sure, if I were the author of the amendment, if I would have accepted that offer from maybe an earlier administration whose motives were not maybe as pure—frankly, whose Chief Executive was not committed to addressing this issue.

Our President is committed to addressing this issue. The Department of Health and Human Services and the FDA are committed to addressing this issue. They are anxious, I believe, to work it out. Not only that, they are anxious and willing to provide some of the funding needed to come to an acceptable resolution and compromise. I hope by our votes later today we will accept that offer from the administration, and I hope in the weeks and months ahead we will actually take the steps, not necessarily proposed exactly by Senator DORGAN, that will allow us to move in that direction and do so in a way that does not unduly harm or put at risk the citizens of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I understand I will be yielded time off the leader's time?

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

Mr. GREGG. Mr. President, I want to speak a little today about this issue of the tax burden the Reid bill is putting on people with incomes under $250,000, $200,000. We all know the President said he was not going to allow taxes to increase for people who have incomes under those numbers. We know there are all sorts of proposals in the Reid bill which significantly increase taxes. We also know there are a lot of proposals in the Reid bill that significantly increase fees. We also know there are a lot of proposals in the Reid bill which will significantly increase premiums—all of which people under $200,000 pay.

Why is this? Primarily it is because, if you look at the Reid bill, it exponentially increases spending and grows the size of government. Government is increased by $2.5 trillion under the Reid bill when it is fully phased in. It goes from 20 percent of our gross national product—that is what government takes out today in spending—up to about 24 percent of our gross national product, a huge increase in the size of government.

When spending increases like this, at this type of explosive rate, there are a couple of things that occur. One of them is that taxes also go up. It is like day following night. If you are going to increase the size of the government at this rate, you are going to have to significantly increase taxes—whether you call them fees or whether you call them premium increases or whether you call them outright taxes. That is what is happening. That is because the goal is to grow the government dramatically. That is the goal. When you grow the government, you inevitably increase the taxes. In fact, in this bill it is estimated, when it is fully put into place, that there will be about $1.6 or $1.7 trillion in new taxes.

There is also, when it is fully phased in, about $1 trillion of reduction in Medicare spending. We have had a lot of discussion on that matter on the Senate floor. I have been here a number of times talking about that. But the burden of taxation goes up in order to allegedly pay for these new entitlements.

Why do the taxes have to go up? Because when you increase spending this way you have to pay for it—or you should pay for it. This bill attempts to do that by raising taxes dramatically. But the presentation that you can get all this tax revenue out of people who are making more than $200,000 a year simply doesn't fly. It doesn't pass the commonsense test. It is like saying when you cut Medicare $1 trillion you are not going to affect benefits.

We heard for a week from the other side of the aisle that no Medicare benefit cuts would occur with $1 trillion of Medicare cuts. Of course, that is not true. We just heard yesterday from the Actuary—the President's Actuary, by the way, the Actuary of CMS—that when you make these significant reductions in provider payments under Medicare, which is where most of the savings occur, that means there are fewer providers who are going to be able to be profitable. In fact, 20 percent of providers will be unprofitable under the Reid bill as scored by the Actuary for CMS, and, as a result, providers will drop out of the system. Clearly, that will affect benefits to seniors because they will not be able to see providers because they will not exist anymore.

It is like telling somebody—someone said; the Senator from Nebraska, I think, said—you can have keys to the car, but there is no car. In this instance there will be no providers or many fewer providers.

Along with that problem there is this claim—along with that claim that was totally inaccurate, which is that Medicare benefits will not be cut—there is this claim that these new revenues to pay for this massive expansion in spending are going to come from just the wealthy.

Again, we have independent sources that have taken a look at this, in this case the Joint Tax Committee. They have concluded that is not the case. That is not the case at all. The argument from the other side of the aisle is we have all these tax credits in here which, when you balance them out against the tax increases, meaning that people earning under $200,000—because some will get tax credits, some will get tax increases, but they balance out so there is virtual evenness, so that the tax credits in the bill to subsidize people who do not have insurance today mostly are balanced by the tax increases on people earning under $200,000.

Of course, if you are one of the people earning under $200,000 who doesn't get the tax credit, that doesn't mean a whole lot. Your taxes are going up. But more importantly, Joint Tax has taken a look at this, and by our estimate, what Joint Tax has said is essentially this: 73 million families, or about 43 percent of all returns under the number of $200,000, people with incomes of under $200,000, will, in 2019, have their taxes go up.

So there is a tax increase in this bill, and it is very significant on people earning under $200,000. In fact, if you compare that to those people who will benefit from the tax credit, what it amounts to is for every one person who is going to benefit from the tax credit, three people earning under the income of $200,000 will see their taxes go up. That is a real problem, first, because it significantly violates the pledge of the President when he 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 gain taxes—not any of your taxes.

That is what the President said. That pledge is violated by the Reid bill, violated very fundamentally for the 73 million people whose incomes are under $200,000 and whose taxes go up.

So it clearly is not a tax-neutral event for middle-income people. It is a tax increase event for a large number of middle-income people. Forty-three percent of all people paying taxes whose income is under $200,000 will have their taxes increased.

What is the thought process behind this? The thought process essentially seems to be we are going to explode the size of government, we are going to dramatically increase the taxes on the American people, and somehow that is going to make life better for Americans. I do not see that happening. I don't see that happening. We know from our experience as a government that growing the government in this exponential way probably is going to lead to people having a tougher time making ends meet because their tax burden is going to go up.

Discretionary dollars they might have used to send their kids to college or they might have used to buy a new house or they might have used to buy a new car or they might have just simply saved—those discretionary dollars they don't have anymore because they come to the government to fund this massive explosion in programs and this increase in the size of government.

I think we do not need to look too far to see how this model does not work. All we have to do is look at our European neighbors.

This idea that you can Europeanize the economy, that somehow if you grow the government you create prosperity, that is what is basically behind this philosophy: You grow the government, you create prosperity. That does not work. We know that does not work. All we have to do is look at our neighbors in Europe who have used that model to find out and conclude that does not work.

It would make much more sense to put in place an affordable plan, one which did not raise the taxes of 73 million people who file income taxes under the income of $200,000, 43 percent of the people paying taxes. It would make much more sense not to grow the government in this extraordinary way that we know we cannot afford and that we know ends up passing on to our kids a country which has less of a standard of living than we received from our parents.

So I hope we take another look at all the taxes in the bill, recognizing that the commitment the President made on the issue of taxes is not being fulfilled by this bill, and go back to the drawing board and reorganize it so we can come closer to what the President wanted, which was a bill that did not raise taxes; which was a bill that did insure everyone; which was a bill that did create an atmosphere where if you wanted to keep your present insurance, you could keep it; and which was a bill that turns the curve of health care costs down.

None of those four goals of the President are now met in the bill. In fact, according to his own Actuary and according to Joint Tax, for all four of those goals, just the opposite occurs. The number of people uninsured remains at 24 million people, the cost curve goes up by $235 billion, taxes go up for 73 million people, and we end up with 17 million people who have insurance today in the private sector losing that insurance. So I believe we should take another look at this bill and try to do a better job.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield up to 20 minutes to the Senator from Alabama out of the leader time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today in disbelief. The American public is searching for commonsense answers from its leaders on health care, and yet they are poised to receive an expensive, wholly inadequate, and simply illogical so-called solution.

After weeks behind closed doors—including now—the majority has produced a bill thus far that raises taxes, makes drastic cuts in Medicare, and increases premiums to create a new government program, the so-called public option.

I believe the public option is nothing more than socialized medicine and expanded government disguised as greater choice. Thus, I am adamantly opposed to this bill as it is written.

I believe any legislation seeking to effectively address health care reform should have as its dual aims cutting costs and increasing access to quality care. But, amazingly, this bill just does the opposite on both counts.

This proposed legislation is not going to solve our Nation's health care problems and yet likely will exacerbate them. The administration, it seems to me, seems to be determined to force the health care bill on the American people, which the majority of citizens do not want or need.

I believe we have the best health care system in the world in the United States of America. While many have scoffed at such a suggestion, the United States, as we know, has the finest doctors, first-rate treatments, cutting-edge innovation, and low wait times.

Think about it. People come from all over the world to take advantage of our revolutionary medicine and state-of-the-art treatments. The United States develops new drugs and medical devices years before the rest of the world, and American doctors are usually pioneers of new techniques in surgery and anesthesia.

As a cancer survivor myself, I am especially proud of the great strides the United States has made in screening and treating cancer. The United States has one of the highest survival rates for cancer in the world and dwarfs survival statistics in Europe. In 2007, U.S. cancer survival was 66.3 percent, while Europe's was 47.3 percent. I believe the answer as to where to receive treatment in the world is clear: the United States of America.

However, our current system, I would admit, is not perfect, and I have never said it was. But I believe we must seek to build upon rather than tear down these strengths we have. We need a bill that reduces costs and improves quality and level of care for the American people.

Here, I believe, we get the exact opposite: a bill that grows big government by creating a costly new entitlement program, drives up private health care costs, and subsequently lowers overall quality and access to care.

According to the Congressional Budget Office's Long Term Budget Outlook, the coming tsunami of Social Security, Medicare, and Medicaid costs is projected to push the Federal public debt to 320 percent of GDP by 2050 and over 750 percent by 2083.

Does anyone truly believe this new legislation will not further add to our Nation's debt? When has history proven that our government can regulate more effectively than private industry or the marketplace, much less doing so without adding to the deficit? The reason: we simply overspend and overpromise.

The Congressional Budget Office estimates that the Senate Democrats' health care proposal, as now written, will cost $849 billion over 10 years.

While Americans will be hit immediately with new taxes and government mandates, the actual services and coverage promised in this legislation will not be implemented until 2014—a clear attempt to mask the true cost of reform. The proposal before us delays government subsidies for yet an additional year to hide the real cost of the bill and show so-called additional savings.

Stalling implementation on a program set to run for an indefinite time horizon and calling it ''savings'' is nothing more than fiscal sleight of hand. Therefore, the Senate Budget Committee estimates the true 10-year cost of the proposal to be $2.5 trillion once fully implemented—$2.5 trillion once fully implemented. Let me say that again: $2.5 trillion—a lot of money.

To pay for this $2.5 trillion worth of legislation, the government, I believe, will have no choice but to raise taxes to European welfare state levels or impose drastic restrictions on patient care or, most likely, both.

The bill includes over $493 billion in new tax increases, as written, and probably another $464 billion in Medicare cuts, placing the burden of reform squarely on the shoulders of the middle class, small businesses, and the elderly.

For the middle class, the proposal is a direct hit. The Joint Committee on Taxation estimates that in 2019, 73 percent of the so-called wealthy taxpayers paying the proposed excise tax on high premiums will earn less than $200,000 a year. I think the time is now to stop heaping debt obligations on the backs of the able bodied.

The proposed tax on the so-called Cadillac plans—plans with high annual premiums—will not only be passed on to the consumer through higher premiums but will creep its way into the lives of many middle-class Americans.

I have a little story. Mrs. Melanie Howard, of Pelham, AL, raised this point when discussing the idea of who actually receives Cadillac health care. Mrs. Howard spoke to me of the small nonprofit where she worked, which had to raise premium prices to offset a few workers who were battling cancer. In effect, she was paying for a Cadillac but still just getting a basic car. Because the tax is based on cost of coverage and not quality and breadth of coverage, many Americans could fall into this category.

I believe it is a simple actuarial fact that smaller risk pools result in higher premiums. Thus, small businesses, such as Mrs. Howard's employer, are naturally going to bear the brunt of this ill-conceived Cadillac health insurance tax.

As taxes increase to pay for the public option, so does the cost of premiums on health care plans. The Congressional Budget Office analysis on premium impacts estimates that family premiums would increase 28 percent—from $11,000 per family to over $14,000 per family by 2019. This is more than a $3,000 increase per family.

The bill also imposes $28 billion in new taxes on employers who do not provide government-approved health plans, and it charges a penalty of $750 per uninsured individual—a form of double taxation.

Furthermore, any opportunity to allow individuals to self-manage their care and plan for future health care costs has been eradicated from this proposal as now written. Flexible spending accounts help individuals and families pay for out-of-pocket medical expenses that are not covered by their health insurance plans with tax-free dollars. These are particularly important for individuals and families who have high medical expenses, such as seniors and those with chronic health conditions or disabilities.

The current proposal before us will not only limit allowable flexible spending account contributions, but the limit is not indexed for inflation, which means the inflation-adjusted or real value of a flexible spending account will decline steadily over time until virtually worthless.

What is also truly concerning about the current legislation is a massive reduction in care our seniors will face under this legislation. The proposal includes $120 billion in cuts to Medicare Advantage, nearly $135 billion in Medicare cuts for hospitals that care for seniors, more than $42 billion in cuts from home health agencies, and nearly $8 billion in cuts from hospices, of all places. I believe this nearly $½ trillion in Medicare reductions simply must result—has to result—in vast reductions in the quality of our seniors' care.

I do not believe massive tax increases, a rise in the cost of health care premiums, reduced flexibility in self-management of care, and cuts to seniors' health care is what the American people have in mind as a way to improve access and create affordable quality health care.

We have already seen how this legislation will significantly increase costs and reduce coverage of care. But let's, for a minute, turn our attention to the quality of care because there is, indeed, a big difference between government-run health care coverage and actual access to medical care.

As Margaret Thatcher once said:

> The problem with socialism is that eventually you run out of other people's money to spend.

Medical rationing is inevitable under government-run health care. It has to be. Supporters of government-run medicine often cite Canada or Great Britain as models for the United States to follow. Yet medical rationing, such as is common in those countries, is inevitable under a government-run health care system as now proposed. These countries are forced to ration care or, in the alternative, have long waiting lists for medical treatments that lead to the same result.

More than 750,000 Britons are currently awaiting admission to the National Health Service hospitals. Last year, over half of Britons were forced to wait more than 18 weeks for care or treatment. The Fraser Institute, an independent Canadian research organization, reported in 2008 that the average wait time for a Canadian awaiting surgery or other medical treatment was 17 weeks, an increase of 86 percent since 1983.

Access to a waiting list is not access to health care.

A study by the Organization for Economic Co-Operation and Development showed that the number of CT scanners per million in population was 7.5 in Britain, 11.2 in Canada, and 32.2 in the United States.

For magnetic resonance imaging—MRIs—there was an average of 5.4 MRI machines per million in population in Britain, 5.5 in Canada, and 26.6 in the United States.

Government-run health care will undermine patients' choice of care.

Citizens in those countries are told by government bureaucrats what health care treatments they are eligible to receive and when they can receive them. I believe Americans need to understand that all countries with socialized medicine ration health care by forcing their citizens to wait in lines to receive scarce treatments. Simply put, government financing means government control, and government control means less personal freedom.

While we need to enact reforms to our health care system that will reduce cost and improve access, our Nation cannot withstand the deep deficits this colossal health care entitlement program, I believe, would create. Instead, we need a system that restores the patients and doctors as the center of every health care decision, rather than the government and insurance companies.

By making insurance portable, expanding health care savings accounts, reducing frivolous lawsuits, emphasizing preventive care, reducing administrative costs, and making insurance

more affordable to small business and individuals, I believe we can efficiently decrease the costs that currently burden Americans while expanding coverage. The result would be improved quality and affordable care.

It appears that no matter how many thousands of letters my office receives in the Senate asking Congress to stop this legislation, this administration is determined to pass something—anything—no matter what the cost or how damaging the result. The latest CNN poll shows 64 percent of Americans oppose this health care reform as now written. The Associated Press reports that over 60 percent of Americans are against this type of reform.

It has been said we would be committing Senatorial malpractice to pass legislation such as this. I agree. I simply do not believe the American people desire or deserve what government-run health care would result in: higher taxes, larger deficits, and rationed lower quality care.

While we need to enact reforms to our health care system that will reduce costs and improve access to all Americans, our Nation cannot withstand the massive cost this colossal health care entitlement program will create.

The health of this Nation will not be helped by risking our Nation's financial well-being. It has been said if you think health care is expensive now, wait until it is free.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2793

Mr. DORGAN. Mr. President, I yield myself such time as I may consume under the hour I control.

We are going to have people trotting onto the floor of the Senate this afternoon—and some have this morning—talking about this issue of prescription drug reimportation and saying there are safety problems with it—safety problems. I wish to talk about one small piece of health care reform without which you can't call it health care reform, because at least with respect to the issue of pricing of prescription drugs, there will be no reform unless my amendment is passed.

My amendment is bipartisan. It includes support from Senator SNOWE, Senator MCCAIN, Senator GRASSLEY on that side and many Democratic Senators as well and it says: Let's put the brakes on these unbelievable increases in the price of prescription drugs; a 9-percent increase this year alone in brand-name prescription drugs.

Why is this an important issue? How about let's talk about the price of Nexium—the price of Nexium. You buy it, if you need it: $424 for an equivalent quantity in the United States. If you want to buy it elsewhere, not $424; you pay $37 in Germany, $36 in Spain, $41 in Great Britain. We are charged the highest prices in the world for prescription drugs.

We are going to have a lot of people come out and say: Well, there will be safety problems if we reimport FDA-approved drugs from other countries—absolute rubbish.

Here is Dr. Rost, a former vice president for marketing for Pfizer Corporation, and this is what he said:

> During my time I was responsible for a region in northern Europe. I never once—not once—heard the drug industry, regulatory agencies, the government, or anyone else saying that this practice was unsafe. Personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs when the rest of the educated world can do it.

They have been doing this in Europe for 20 years, reimporting lower priced prescription drugs from other countries, and they do it safely. Our consumers pay the highest prices in the world because there is no competition for prescription drugs. When a drug is sold for a fraction of the price elsewhere—one-tenth the price for Nexium in Germany and Great Britain—the American people can't access it. Even though it is made in the same plant, the same pill put in the same bottle, the American people are told: It is off-limits to you.

Dr. Rost also said this: Right now, drug companies are testifying that imported drugs are unsafe. Nothing could be further from the truth. This from a former executive of Pfizer Corporation.

When the pharmaceutical industry goes around the Hill today and tells you that importing medicine is going to be unsafe—and by the way, our bill only allows the importation from Australia, New Zealand, Japan, and the European countries, where they have an identical chain of custody and where we require pedigree and we require batch lots that will make the entire drug supply much safer, including the domestic drug supply—when the pharmaceutical industry goes around the Hill today saying: If you vote for the Dorgan-Snowe-McCain, et al. amendment, you are voting for less safety, ask the pharmaceutical industry this: What about the fact that you get 40 percent of your active ingredients for drugs from India and China and from places in India and China in many circumstances that have never been investigated or inspected by anyone? Answer that, and then tell us that reimporting FDA-approved prescription drugs from other countries is unsafe. What a bunch of rubbish.

My understanding is, sometime yesterday—maybe late last night—somebody made a deal. I don't know what the deal is, but I guess the deal is to say we are going to have this amendment—it has been 7 days since we started debating this amendment—we are going to have this amendment vote and then we are going to have another vote on another amendment that nullifies it. It is the amendment I call: I stand up for the American people paying the highest prices in the world for prescription drugs.

If you want to support that amendment, go right ahead. What you are doing is nullifying any ability of the American people to have the freedom to access lower priced drugs where they are sold elsewhere in the world. I am talking about FDA-approved drugs made in FDA-approved plants. It doesn't matter what the fancy wrapping and the bright ribbons are on this package.

This package to nullify what we are trying to do is a package that comes directly from the pharmaceutical industry. Why? To protect their interests. This year they will sell $290 billion worth of drugs, 80 percent brand-name prescription drugs. On brand-name drugs, the price increased 9 percent this year and on generic drugs it fell by 9 percent. Now I understand why they want to protect those interests.

Here are two pill bottles, both contain Lipitor, both made in a plant in Ireland by an American corporation. This sent to Canada, this sent to the United States. The American consumer gets the same pill made in the same bottle made in the same plant by the same company. The American consumer also gets the privilege of paying nearly triple the price and can't do a thing about it because this Congress, vote after vote after vote, has said: We stand with the pharmaceutical industry and against competition and against freedom for the American worker.

If I sound a bit sick and tired of it, I am. We have been going after this for 8 to 10 years, to give the American people the freedom to access the identical FDA-approved drugs for a fraction of the price where they are sold everywhere else in the world, and we are told again and again and again there is this phony excuse about safety, completely phony.

I will have more to say about it later, but I did want to say we are going to see a lot of people trotting out here with such a shop-worn, tired, pathetic argument to try to keep things as they are and try to keep saying to the American people: You pay the highest prices in the world for brand-name drugs and that is OK. That is the way we are going to leave it. We will call it health care reform, and at the end of the day, that is what you end up with: The highest prices in the world, a 9-percent increase just this year alone. Over the next 10 years, that 9-percent increase, just this year, nets the pharmaceutical industry $220 billion, but that is OK. That is the way you are going to end up, American consumer, because we don't want to give you the freedom to access those lower priced drugs where they are sold for a fraction of the price.

One final point. I have mentioned often an old codger who sat on a straw bale at a farm once where I had a meeting, and he said: I am 80 years old. Every 3 months we have to drive to Canada across the border because my wife has been fighting breast cancer. Why do we drive to Canada? To buy Tamoxifen. Why do we have to go there to buy it? We paid—I think he said—

one-tenth the price in Canada. We couldn't have afforded it otherwise.

Is that what we want the American people to have to do? Most people can't drive across the border someplace. Why not establish a system like they have had in Europe for 20 years, to allow the American people the freedom to access reasonably priced drugs, FDA-approved drugs.

So this is a day in which we will vote on my amendment and then we will vote on an amendment that nullifies it and we will see whether enough of a deal has been made so the fix is in. So, once again, the American people end this day having to pay the highest prices in the world. Pay, pay, pay, pay, soak the American consumer, keep doing it. That has been the message here for 10 years.

A group of us, Republicans and Democrats, 30 who have cosponsored this legislation, have said, you know what. We are sick and tired of it. Give the American people the freedom. If this is a global economy, how about a global economy for real people? How about let them have the advantages of a global economy?

Once again, I will have a lot more to say this afternoon. It is apparently a day for deal-making and we will see who made what deals, but we are going to have votes. I know one thing. I know the pharmaceutical industry has a lot of clout. I know that. I hope the American people have the ability to expect some clout on their behalf in the Chamber of the Senate this afternoon.

I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, my understanding is there is a desire by some to have a quorum call in which the quorum call time is charged against all sides. My understanding is, there are, I think, 5 hours allocated with respect to today: 1 hour for the Baucus amendment, 1 hour for the Crapo amendment, and 3 hours distributed as follows: 1 hour for me, 1 more Mr. LAUTENBERG, and 1 hour for the Republican leader on the prescription drug reimportation; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. So I ask unanimous consent that the quorum call be allocated against the 4 hours and not against the hour I control.

The PRESIDING OFFICER. Is there objection?

Mr. ENZI. Reserving the right to object, we have had constant speakers over here, so we have used a lot of our time. If we had known there was more vacant time, and if we could have had some of the majority's time, we could have had a steady stream of speakers over here the whole time. So we would reluctantly agree to the time being divided between the two sides, as we have done that in all the times in the past, but we want to reserve some time for our speakers as well. We could have easily had people over here to speak.

Mr. DORGAN. Well, Mr. President, did the Senator object?

The PRESIDING OFFICER. I think he reserved his right to object.

Does the Senator object?

Mr. ENZI. Yes, the Senator objects.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, my understanding is I will put in a quorum call, the time is equally divided, apparently, between the sides, in a circumstance where the other side has 3 hours and our side has 2 hours and especially on the subject I have just discussed, the other side has 2 hours and I have 1 hour.

I will put us into a quorum call, and I guess it will be equally divided between the two sides.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I want to speak in favor of the Crapo motion, which we will be voting on in a few hours.

The Crapo motion would essentially protect the American middle class from tax increases in this bill. The President promised that nobody making under $200,000 a year, or families making under $250,000 a year, would see tax increases under the bill. But they do.

The Crapo motion would simply send the bill back to the Finance Committee and make sure that they don't. It is a fairly straightforward amendment, and we should support it.

In supporting the motion, I will discuss other things related to it. There is this notion that somehow or other the health care bill will save money for the government and for taxpayers and patients. That is where it is wrong. That is why we need things such as the Crapo motion.

How does the expenditure of trillions of dollars in new spending save anybody money? That is counterintuitive. The answer is, of course, that it doesn't.

Jeffrey Flier, dean of the Harvard Medical School, gives this bill a failing grade. He wrote in the Wall Street Journal:

> The Democrats' health care bill wouldn't control the growth of costs or raise the quality of care.

I think that is the fact. So let me point out a couple of the bill's provisions that undermine this savings argument, one of which is the new taxes, which the Crapo motion would explicitly address, The new subsidies that fail to address costs, and finally this inclusion of the CLASS Act, which is a massive new expenditure and entitlement that would grow out of control over time.

First, though, let me focus on these new taxes, 12 in total. They go into effect immediately. In fact, the Internal Revenue Service estimates it would need between $5 billion and $10 billion over the next 10 years just to oversee the collection of these new taxes. Think about that.

These new taxes include, but are not limited to, a new payroll tax on small businesses. What better way to kill job creation. We will impose another ½ percent tax if you hire somebody or all the people you retain on the payroll. That is crazy at a time when we are trying to create new jobs. There is a tax on seniors and the chronically ill. I discussed that yesterday. There are new limits on health savings accounts which will increase taxable income for middle-class families, and a new medical device tax which will be paid for by American families, according to the Congressional Budget Office. In other words, if you need a health or life-saving device, such as a diabetes pump or stent for your heart, why do you want to tax that if it provides better health care for you and your family? The reason is they need more revenue to pay for the expenses of the bill. They increase the taxes. CBO says they will be passed right through to the patients which are then passed through in the form of higher premium costs.

As I said, most of these taxes would start immediately and many would hit middle-income families despite the President's famous campaign pledge.

Washington, for a period of 4 years, piles up the money before it pays any of the money out. That is supposed to lower costs because for the first 4 years there are not any expenses. We are collecting all this revenue and somehow or another that is portrayed as a savings for the Federal Government.

Over the next 10 years that money is spent out, it is $2.5 trillion in spending, and that is not sustainable. This is part of the bill's gimmickry to create this idea that somehow the bill is deficit neutral. As I said, when you take a look at the true 10-year cost beginning in 2014 once the bill is fully implemented, you have a whopping $2.5 trillion pricetag.

Colleagues on the other side say: It is necessary to raise all this money to subsidize the increased cost of health care. I get it. We are going to raise premiums under the bill and then we are going to need to raise taxes to subsidize so people can afford those increased premiums. What sense does that make? I ask, do Americans want to pay more taxes in order to get a subsidy because of the increase in costs that are the result of this legislation?

Would they rather not have the premiums go up in the first place, as the ideas that Republicans have proposed would ensure? But that is what the bill does. It raises premiums so then you have to raise taxes to subsidize the cost of insurance.

What the Crapo motion would do is to say the President needs to keep his promise. Those making less than $200,000 a year should be relieved of this tax burden.

Secondly, if the government subsidizes insurance for 30 million more Americans, obviously costs have to rise. As the respected columnist Robert Samuelson wrote in a recent Washington Post column—by the way, the title was ''The Savings Mirage on Health Care'':

> The logic is simple. . . . Greater demand will press on limited supply; prices will increase. The best policy: Control spending first, then expand coverage.

That is what Republicans have been proposing. We would like to target specific solutions to the problems of cost which would then allow more Americans to gain access to affordable health care and, thus, avoid a hugely expensive Washington takeover of the entire system.

Our solution includes medical liability reform—that does not cost anything; it saves money—allowing Americans to purchase insurance policies across State lines, allowing small businesses to pool their risks and purchase insurance at the same rates corporations do. These solutions would bring down costs and, at the same time, enhance accessibility.

Third—and the reason I raise this is because several colleagues on the other side of the aisle have made pretty firm statements about not being able to support this legislation as long as it included what is called the CLASS Act. This is a new government-run, government-funded program for long-term care. It is intended to compete with private insurers' long-term care plans. Notice the pattern of government wanting to compete with private entities. That is what the CLASS Act does.

Participants would pay into this new government system for 5 years before they would be allowed to collect any benefits. Naturally, you have some increased revenues for a while, and that is what the bill counts on in order to allegedly be in balance. Of course, the payouts occur later, and then it is not in balance. Participants would have to be active workers. So this new entitlement would not benefit either seniors or the disabled.

We are talking about a brandnew entitlement. If a worker begins making payments in 2011, he or she could not collect benefits until the year 2016. That is why supporters of the CLASS Act say this would reduce the deficits in between 2010 and 2019. Sure, if you don't spend money in those years and you collect a lot of tax revenues, of course you are going to have more of a surplus of revenues. What happens, though, when the claims on that money occur? It is like Medicare today: It is very soon out of money and then broke and then in a hole and then you have a big debt on your hands. That is precisely what happens here. No government program has ever reduced budget deficits, we know that.

The Congressional Budget Office confirms that this program will, indeed, add—add—to future budget deficits. Here is what the CBO writes:

> The program would add to future federal budget deficits in large and growing fashion.

It does not get any simpler than that. The CLASS Act would add to future deficits. That is why several of my colleagues on the other side of the aisle have said they cannot support the bill as long as the CLASS Act is in it. But the last time I checked, it is still in it.

I want to also refer to the chairman of the Budget Committee who has obviously spoken out on this issue because he understands the effect. I speak of Senator CONRAD. He said it is like a Ponzi scheme because it offers returns that payments made into the system cannot cover in the long run.

As I said, it would generate generous surpluses for the government while Americans pay in and are not collecting benefits. And then later on, it reaches a point where payments made into the program cannot sustain the promised benefits.

Here is what CBO tells us about the program:

> It would lead to net outlays when benefits exceed premiums. . . .

''Net outlays'' means you are spending more than you are taking in.

> [By 2030] the net increase in federal outlays is estimated to be ''on the order of tens of billions of dollars for each [succeeding] ten-year period.''

Over time, this program adds substantially to the deficit and to the debt. It is an entitlement that is not self-sustaining but has to be propped up in some fashion by additional revenues. It is another way, in addition to the first two ways I mentioned, of how costs go up in this legislation, how savings do not result, and how the American public has to end up making up the difference. You have new taxes to cover subsidies for increased premiums, government subsidies for 30 million Americans that increased demand without addressing costs, and finally, the inclusion of the CLASS Act.

As I said, I support the Crapo motion because it would assure that none of these burdensome new taxes would hit middle-income families as they are set to do. This amendment must pass if President Obama is going to keep his campaign pledge to not raise taxes ''one dime'' on middle-income Americans.

I also support the soon-to-be-pending Hutchison-Thune motion which says that no taxes at all should be levied until Americans see some benefits. This addresses that problem I noted where you collect the taxes up front and then you start paying benefits at a later date. This is an expression of disapproval for the budget gimmickry contained in the bill.

Americans want us to bring costs down. They could not be more clear about that. But the provisions of this bill disobey the wishes of the American people. That is why in public opinion surveys—it does not matter who takes them—they are increasingly showing that the American people are opposed to this legislation. The latest one by CNN just a few days ago—and CNN is not noted to be a big conservative organization—shows that 61 percent of the American public oppose the health care plan. And now only 36 percent support it. That is getting close to two to one in opposition.

An earlier poll showed that among Independent voters, by more than three to one, they oppose what is in this legislation. The point here is not some peripheral issue—and I do not mean to demean the importance of the issue when I talk about, for example, the public option for the government-run insurance plan. The abortion language certainly is a key issue to many. Even if you could somehow fix those problems, you still have the core of the bill that the American people object to: the $½ trillion in cuts in Medicare, the $½ trillion in increases in taxes that are meant to be addressed by the motion I am speaking of, the requirement that because premiums go up under the legislation, you have to raise taxes to create a subsidy so you can give it to people so they can afford the increased premiums.

Something we are going to be talking about in the future and have hardly addressed but to me is probably the most pernicious thing of all—you can talk about the government takeover, you can talk about the additions to the debt, the taxes, the increased premiums, all of these things, the cuts in Medicare—to me the most pernicious thing of all is the fact that it is unsustainable. The promises exceed the revenues with the net result that over time, care will have to be rationed.

This is what I think the American people fear most of all because they know you cannot sustain a program this costly and not have to at some point begin to delay care, delay appointments so they do not occur as rapidly and gradually begin to denying care. That is why this big kerfuffle about the commission that made recommendations on breast cancer screening and mammograms was so frightening to people. They could see this was the way rationing begins. Some panel says we don't think people need as much medical care as they have been getting, never mind what has been recommended in the past. Yes, by the way, it will save money.

Of course, when politicians have to find a way to reduce benefits, they do not go to their constituents and say: We are going to cut your benefits. What they do is reduce the payments to people who provide the health care—

the doctors, hospitals, home health care, hospice care, these folks. They reduce payments so that the providers have no choice but to reduce the amount of their care.

They have to see more patients, there are not as many of them, and they are getting paid less. So naturally they cannot provide the same level and quality of care. That is how rationing begins. Ask people in Canada, ask people in Great Britain how long it takes to get in to see the doctor. Eventually even that does not cut it. So they set a budget and say: We cannot afford to pay any more than that.

You better hope you get sick early in the year. That is, unfortunately, what you can see to an extent in our veterans care but even more in our care for our Native Americans. I did not make this up. Others have said in the Indian Health Care Service, get sick early in the year because they run out of money if you get sick late in the year.

Our first obligation ought to be to ensure our Native American population receives the care we have promised them. I personally have gone throughout Indian reservations in Arizona. We have more than any other State. I made a tour of the Navajo reservations, including a lot of the health care clinics and facilities that try to take care of folks under the Indian Health Service. None has enough money to do what they are supposed to. They are understaffed. The people who are there are wonderful, dedicated health care providers. They are doing their best. But you ask any of the Native Americans whether they believe they are getting the care they are supposed to get under the program, and the answer is uniformly no. They have to wait forever. The care is not there when they need it.

This is the perfect example of rationing of care, what happens when you have a government-run system. That is what I fear most of all will result from this because we have taken on much more than we can afford.

The end result of that inevitably is the reduction in the amount of care that is provided and the quality of care that is provided.

I urge my colleagues to think very carefully about what we are getting our constituents into. We can start to turn this back by supporting the Crapo motion which at least says that folks who are middle-class families, who the President promised would not see a tax increase, will not see a tax increase under the legislation. That is what the Crapo motion would provide, and I certainly hope my colleagues support it.

RECESS

Mr. KYL. Mr. President, if there are no other Senators seeking recognition at this time, I ask that the Senate stand in recess under the previous order.

Thereupon, the Senate, at 12:45 p.m., recessed until 3:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CRAPO).

SERVICE MEMBERS HOME OWNERSHIP TAX ACT OF 2009—Resumed

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise to strongly support and urge all of my colleagues, Republicans and Democrats, to support the upcoming Dorgan reimportation amendment which we will be voting on later today and, just as important, to oppose the Lautenberg amendment which, as everyone knows, is a poison pill to reimportation and is simply and surely a way to absolutely kill for all practical purposes the real Dorgan reimportation language.

To me, this is a crystal-clear choice, and it is the sort of choice the American people are really interested in and really watching. It is a choice between doing something that can make a difference in people's lives, something that can help people, that can solve a real problem in health care by doing something in a focused way or we can choose to keep to the big political deal that was made inside the beltway, inside the White House with the pharmaceutical industry. That is the choice. This is really a choice between voting for the American people or voting for politics as usual in Washington. That is what it all comes down to.

On the positive side, reimportation is a very real and very effective solution to a real problem. The problem is obvious. The problem is sky-high prescription drug prices—the highest in the world—that we as Americans pay. These same drugs are sold around the world, and in many different cases—in virtually every case—we pay the highest prices in the world right here in the United States even though we have the biggest marketplace for prescription drugs. That is the system we are trying to break up. So I want and supporters of this amendment want a true free market in prescription drugs, a world price that will lower the U.S. price and dramatically help U.S. consumers.

It is not just supporters of this amendment and this concept who are making these arguments; it is unbiased sources such as the Congressional Budget Office and others. The Congressional Budget Office says this amendment—this reimportation concept will save the Federal Government money, significant money, some $18 billion or more. And besides the savings to the Federal Government, the savings to the U.S. consumer are much greater—$80 billion or more.

So that is the positive choice—doing something real about a real problem. That is what the American people want us to do. They want us to focus on the real problems that exist in health care and attack those real problems in a focused way.

The other alternative is to keep the political deal, to vote yes for politics as usual in Washington. Tragically, that is what is represented by the political deal that was struck on this global health care bill between the White House and the White House's allies here in the Senate and the big pharmaceutical industry. It has been widely reported—it is no secret—that there was a deal between these bodies. The pharmaceutical industry agreed to support the President's initiative, putting as much as $150 million of TV advertising cash behind that support, if the White House would completely change its position on reimportation and other key points.

The record is clear: When President Obama served right here with us in the U.S. Senate, he was completely for reimportation. As a Presidential candidate, he campaigned vigorously for reimportation. Rahm Emanuel, the White House Chief of Staff, when he served in the U.S. House, was strongly for reimportation. But now, all that is off because Washington politics as usual has stepped in the way. They have reversed their position through this deal with PhRMA. Tragically, that has crept into the Senate Chamber as well. Key Senators on the Democratic side—MAX BAUCUS and JAY ROCKEFELLER and others—have reversed their position and apparently now are urging ''no'' votes for a policy they have long supported.

Well, we will know in a few hours who will be the winner—the American people, being given lower prescription prices, or PhRMA and politics as usual in Washington. Make no mistake about it, that is the choice. It couldn't be laid out in a clearer way. And to choose for the American people, to make real progress for lower prescription drug prices, we need to do not one but two things: first, to pass the Dorgan amendment, and second, and just as important, to defeat the Lautenberg amendment side-by-side, which would clearly, by all acknowledged sources, be a poison pill to reimportation—an easy way for the administration to ensure reimportation never happens.

I urge all of my colleagues, Democrats and Republicans, to vote for lower prescription drug prices, to vote for the American people, and certainly to vote against Washington politics as usual, which the American people are so completely disgusted and fed up with. I urge that vote. Americans all around the country, in all our home States, will remember it and will thank us for it because we will actually be providing a real solution to a real problem and bringing them significantly lower prescription drug prices.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I believe I have 20 minutes remaining; is that correct?

The PRESIDING OFFICER. The Senator from Idaho has 17½ minutes remaining.

Mr. CRAPO. Mr. President, I ask that the Chair notify me when I have 2 minutes remaining.

The PRESIDING OFFICER. The Chair will so notify.

Mr. CRAPO. Later today, Mr. President, we are going to vote on my motion to refer the bill to the Finance Committee and have the Finance Committee simply make the bill comply with the President's promise with regard to taxes.

As I have said a number of times on the floor, this bill does not correct so many of the problems we need to deal with in health care. It drives the cost of health care in premiums up, not down; it raises hundreds of billions in taxes; it cuts Medicare by hundreds of billions of dollars; it grows the Federal Government by over $2.5 trillion in the first 10 years of full implementation; it forces the needy uninsured into a failing Medicaid system and does not give them access to insurance; it imposes damaging unfunded mandates on our struggling States; it still leaves millions of Americans uninsured; and it establishes massive government control over our health care. Frankly, even if the so-called government option or government health care insurance company that is created by the bill were to be removed, there would still be massive government intrusion into the control and management of our health care system.

Well, as we were facing the prospect of dealing with this bill, the President made a pledge to the American people, and in his terms the pledge was:

> 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 increased one single dime.

Yet what we have in this legislation is a whole array of new taxes—about $493 billion in new taxes to start with. And that is assuming you just start with the beginning of the bill and go for the first 10 years. If you actually compare the number of taxes that will be charged by this bill to the American people with that first full 10-year implementation period, that is $1.28 trillion in new taxes.

This chart shows taxes and fees, not just the specific taxes but taxes and fees—fees which our Congressional Budget Office and our Joint Tax Committee have said repeatedly will be passed on to the American consumer. Yet the President said nobody's taxes will be increased.

Let's see the next chart. Here we have further analysis of just four of the major tax provisions in the bill. There are many more, but if you look at the four major tax provisions in the bill, the Joint Committee on Taxation has said that by 2019 at least 73 million American households earning below $200,000 will face a tax increase, and when you break these numbers down further, it is not just the people making between $100,000 and $200,000, or the upper income earners, but massive tax increases falling upon people who are making well under $100,000 a year.

The response has been: Wait a minute, this bill also has some tax cuts in it, and when you offset the tax cuts against the tax increases, there are more tax cuts than there are tax increases.

I dispute that in a couple ways. First of all, even if you accept as fact that there are tax cuts in this bill, which is arguable and I will point that out in a minute, they do not offset all the taxes and fees, so it is still a net increase in taxes. But there is a subsidy in this bill to provide insurance to a group of Americans who do not have the financial capacity today to purchase their own insurance. As I mentioned earlier, the most needy of this group did not get access to insurance. They got put on Medicaid. But some in America will get some access to insurance and that subsidy will be provided by the Federal Government. The other side is saying that is a tax cut.

I disagree with that for a couple reasons. First of all, it is called, in the bill, a refundable tax credit and it is administered by the Internal Revenue Service—which, by the way, is going to need to grow by 40 to 50 percent in order to accommodate these new roles in managing the health care system. But it is a refundable tax credit in only the way Congress could put it together. It is nothing other than a government payment to individuals, most of whom pay no taxes. In fact, between 2014 and 2019, 73 percent of the people receiving the subsidy, or $288 billion of the subsidy, goes to taxpayers who pay no taxes. You can call that a tax cut if you want, but CBO, our Congressional Budget Office, does not call it a tax cut. The Congressional Budget Office scores it as Federal spending, as exactly what it is, spending by the Federal Government. It is a subsidy being provided by the Federal Government. You can argue about whether it should be provided, but to call it a tax cut is a stretch.

Even if you accept that is a tax cut, there are still 42 million American households earning below $200,000 per year who will pay more taxes. No matter how you cut it and no matter how you define tax cut, the reality is this bill imposes hundreds and hundreds of billions of dollars of new taxes squarely on the middle class in violation of the President's promise that nobody in America who makes less than $250,000 as a family or $200,000 as an individual, in order to fund this bill, would be required to pay more taxes.

Some of those who have responded to this have said this is our opportunity and, if we support this amendment, we will be killing a bill that provides tax relief to the American people. As I have pointed out, the amendment does not do anything to the subsidy that is called a tax cut. The amendment leaves the subsidy in place. So it is simply wrong to say the motion I have asked to have passed would do anything to remove this so-called tax relief—or properly called subsidy—from the bill. What my motion does is simply to say the bill should be referred to the Finance Committee so the Finance Committee can make sure it complies with the President's pledge that it does not raise taxes on those who are in what the President has described as the middle class. It is very simple and straightforward. If there are no such taxes, then the motion is irrelevant. But we all know there are—Joint Tax, Congressional Budget Office, many private organizations have squarely pointed it out. In fact, we are still studying it. If we get past the first four big taxes in the bill, these numbers I have talked about, the 42 million net or the 73 million in reality, in America—and those are households, not individuals, who will be paying more taxes—are squarely going to be hit by this bill.

Let me give a different perspective on it. If you take all those who are supposedly getting tax relief but are really getting a direct subsidy, accept the fact that this is truly a tax cut, they represent 7 percent of the American public. The rest of the American public does not get a subsidy. The rest of the American public pays the taxes for the establishment of a huge $2.5 trillion new entitlement program that will bring that much more of the Federal Government into control of the health care economy.

We are coming back now from a 2½-hour break because the Democrats were at the White House meeting with the President. We do not know what was said there. There was apparently a negotiation behind closed doors, yet once again, of some other new changes in the legislation, some other new portions of the bill. No C–SPAN cameras were there, to my knowledge. But we now have an opportunity to talk in the next few hours about what will happen with regard to this amendment.

The President could have asked his friends in the Democratic caucus to support this amendment, which simply requires that the bill comply with his pledge. I hope he did. I hope it can be accepted. But the reality is, this legislation violates not only this pledge but a number of the President's other pledges—for example, the pledge that if you like what you have, you can keep it. Americans all over this country have heard that pledge repeated a number of times. If you are one of the employees who has employer-provided insurance and that insurance happens to fit in the so-called higher insurance packages that are taxed 45 percent by this plan, you are not going to get to keep it. Both CBO and Joint Tax have

made it very clear that you are going to see your health care cut by your employer in order to avoid this tax. Then what is going to happen is your employer might—probably will—give you a little bit more wages to compensate for the cut in your employment benefits. Your net package of compensation will not change in value, but you will get at more of it in wages and a little less in health care. But the kicker is, the wage portion is taxed but the health portion is not so your taxes are going to go up and your net package is going to go down. You are going to have a less-robust health care plan and you will have a lower overall compensation package. Does that comply with the President's promise that if you like what you have, you can keep it? What about the 11 million Americans, I believe it is, who have Medicare Advantage policies today who clearly are going to lose about half of that extra Medicare Advantage benefit under the Medicare cuts in the bill? If they like what they have, can they keep it? No.

What I am asking is simply that the Senate vote to require that the President's pledge in this one case be honored; namely, let's send the bill to the Finance Committee, it can be turned around in the Finance Committee overnight, take out the provisions that impose taxes on people in America earning less than $250,000 as a family or $200,000 as an individual and bring it back to the floor.

You will hear it said this is a killer amendment, that it will kill the bill. It will not kill the bill unless it is necessary in the bill to tax Americans to the tune of the hundreds of billions of dollars that are included in this bill. What it will do is expose that this bill cannot be claimed to be deficit neutral or to even reduce the deficit unless three things happen: the Medicare cuts of hundreds of billions of dollars are imposed; the tax increases of hundreds of billions of dollars are imposed, and the budget gimmicks are implemented.

Let me tell you about the most significant of those budget gimmicks. In order to make it so they could say this bill does not increase taxes or does not increase the deficit, the crafters of the bill have had the taxes go into effect on day one, the Medicare cuts go into effect by day one, but the subsidy program or the spending part of the bill is delayed for 4 years. So we have 10 years of revenue and 6 years of spending.

I, personally, think the way they picked 2014 to be the year in which they implement the spending part of the bill is they said: How many years do we have to delay the spending impact until we can claim there is a deficit-neutral bill? It turned out they had to delay it for 4 years out of the 10. If it took 5, they would have delayed it 5 years. That is a budget gimmick. The reality is we all know if you have the spending go into place on day one and the taxes go into place on day one and the Medicare cuts go into place on day one and took the gimmicks out, this bill would generate a deficit, another promise the President pledged not to do.

There are so many problems with this bill. But most important today, as we will have an opportunity around 6 o'clock, is to vote to at least have the bill comply with the President's pledge.

I ask how much time remains.

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes remaining.

Mr. CRAPO. Mr. President, I would like to reserve the remainder of my time, and I will hold that until later in the day.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent for 3 minutes out of Senator BAUCUS's time to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized.

(The remarks of Ms. CANTWELL are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I wish to make a point. I know my colleague from Arizona wishes to engage in a brief colloquy on this point. The amendment we are offering, a bipartisan amendment dealing with the price of prescription drugs, is a very important amendment. We are going to get our vote on that, but then there is also going to be a vote on a poison pill amendment that nullifies it. It says if you pass the second amendment, it means nothing happens and prescription drug prices keep going through the roof.

I wish to say quickly there have been very few bipartisan amendments on the floor of the Senate during this health care debate. That is regrettable. This, in fact, is bipartisan. A wide range of 30 Senators, including Republicans JOHN MCCAIN, CHUCK GRASSLEY and OLYMPIA SNOWE and so on support this effort and the effort is simple, trying to put the brakes on prescription drug prices by giving the American people freedom and the ability to find competition among drug prices where they are sold in other parts of the world for a fraction of what we are charged as American consumers.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I ask for unanimous consent to engage in a colloquy with the Senator from North Dakota.

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

Mr. MCCAIN. I think it is important for us to recognize what the Dorgan amendment is all about. It is about an estimated—according to the Congressional Budget Office, and we love to quote the Congressional Budget Office around here—$100 billion or more in consumer savings. That is what the Dorgan amendment does.

It cuts the cost of the legislation before us as much as $19.4 billion over 10 years. We are always talking about bending the cost curve, saving money, particularly for seniors who use more prescription drugs than younger Americans, and yet there is opposition.

I would like to ask my colleague from North Dakota, one, how long has he been fighting this issue; and, two, why in the world do we think anybody would be opposed to an amendment that would save $100 billion for consumers?

Mr. DORGAN. We have been working on this for 10 years—myself, the Senator from Arizona, and others. He knows because he was chairman of the Commerce Committee. We held hearings on this in the committee. The fact is, we have gotten votes on it before. In each case, the pharmaceutical industry, which has a lot of muscle around here, prevailed on those votes with an amendment that is a poison pill amendment saying somebody has to certify with respect to no additional safety risk and so on.

These safety issues are completely bogus, absolutely bogus. They have done in Europe for 20 years what we are proposing to do in this country, parallel trading between countries. What we are trying to do is save the American people $100 billion in the next 10 years because we are charged the highest prices in the world for prescription drugs, and there is no justification for it.

I want to show the Senator from Arizona one chart. This is representative. If you happen to take Nexium, for the same quantity you pay $424 in the United States, if you were in Spain, you would pay $36; France, $67; Great Britain, $41; Germany, $37. Why is it the American consumer has the privilege of paying 10 times the cost for exactly the same drug put in the same bottle made by the same company in the same plant? Justify that.

Mr. MCCAIN. Could I also ask my friend, has he seen this chart? This chart shows that the pharmaceutical companies in America increased wholesale drug costs, which doesn't reflect the retail drug cost, by some 8.7 percent just this year, while the Consumer Price Index—this little line here, inflation—has been minus 1.3 percent.

How in the world do you justify doing that? These are lists of the increases over a year in the cost of some of the most popular or much needed prescription drugs. Why would pharmaceutical companies raise costs by some 9 percent unless they were anticipating some kind of deal they went into?

I don't want to embarrass the Senator from North Dakota, but isn't it true that the President, as a Member of this body, cosponsored this amendment?

Mr. DORGAN. That is the case. The President was a cosponsor of this legislation when he served last year. I do

want to say as well the American consumer gets to pay 10 times the cost for Nexium. Nexium is for acid reflux, probably a condition that will exist with some after this vote because my understanding is, after 7 days on the floor of the Senate, there is now an arrangement by which the pharmaceutical industry will probably have sufficient votes to beat us, once again, which means the American people lose.

I also want to make this point. Anyone who stands up and cites safety and reads the stuff that has come out of a copying machine for 10 years, understand this: Dr. Peter Rost, former vice president of marketing for Pfizer, formerly worked in Europe on the parallel trading system, said:

> The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that in Europe reimportation of drugs has been in place for 20 years.

It is an insult to the American people to say: You can make this work in Europe for the benefit of consumers to get lower prices, but Americans don't have the capability to make this happen, don't have the capability to manage it. That is absurd. This safety issue is unbelievably bogus.

Mr. MCCAIN. Haven't we seen this movie before? The movie I am talking about is that we have an amendment or legislation pending before the body or in committee that will allow for drug reimportation, as the Senator pointed out from that previous chart, in a totally safe manner. Then there is always, thanks to the pharmaceutical lobbyists—of which there are, I believe, 635 pharmaceutical industry lobbyists, a lobbyist and a half for every Member of Congress—an amendment that then basically prohibits the reimportation of drugs.

Haven't we seen this movie before? Apparently another deal was made so that they are now going to have sufficient votes to again cost the consumers $100 billion more in cost for the pharmaceutical drugs. Their representatives are here on the Senate floor ready to tout the virtues of an amendment which, as we all know, is a killer amendment. Let's have no doubt about that.

Mr. DORGAN. Mr. President, the Senator from Arizona is right. If this is ''Groundhog Day'' for pharmaceutical drugs, the clock strikes 6 and the pharmaceutical industry wins. They have been doing it for 10 years. We just repeat the day over and over again. My hope is that we will not have to repeat it today. My hope is that after a lot of work on a bipartisan piece of legislation, the American people will have sufficient support on the floor of the Senate to say it is not fair for us to be paying double, triple and 10 times the cost of prescription drugs that others in the world are paying.

I wonder if we might be able to yield some time to the Senator from Iowa, 5 minutes, unless the Senator from Arizona wishes to conclude.

Mr. MCCAIN. My only conclusion is that what we are seeing is really what contributes to the enormous cynicism on the part of the American people about the way we do business. This is a pretty clear-cut issue. As the Senator from North Dakota pointed out, it has been around for 10 years. For 10 years we have been trying to ensure the consumers of America would be able to get lifesaving prescription drugs at a lower cost. And the power of the special interests, the power of the lobbyists, the power of campaign contributions is now being manifest in the passage of a killer amendment which will then prohibit—there is no objective observer who will attest to any other fact than the passage of the follow-on amendment, the side-by-side amendment, will prohibit the reimportation of prescription drugs into this country which we all know can be done in a safe fashion and could save Americans who are hurting so badly $100 billion a year or more and cut the cost of the legislation before us by $19.4 billion. To scare people, to say that these drugs that are being reimported are not done in a safe manner to ensure that the American people's health is not endangered is, of course, an old saw and an old movie we have seen before. It is regrettable that the special interests again prevail at the power of the pharmaceutical lobby.

Of the many traits the Senator from North Dakota has that I admire, one of them is tenacity. I want to assure him that I will be by his side as we go back again and again on this issue until justice and fairness is done and we defeat the special interests of the pharmaceutical industry which have taken over the White House and will take over this vote that will go at 6 o'clock. It is not one of the most admirable chapters in the history of the Senate or the United States Government.

Mr. DORGAN. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we have two key votes this afternoon on drug reimportation. These votes mean that today is the day we can show the American people whether we can pass drug importation or whether the Senate will give it lipservice and nothing else.

We have heard on the Senate floor the concerns that some have about drug importation and whether it can be safe. Everyone who knows me knows I care deeply about drug safety. The fact is, an unsafe situation is what we have today. Today consumers are ordering drugs over the Internet from who knows where, and the FDA does not have the resources, in fact, to do much of anything about it. The fact is, legislation to legalize importation would not only help to lower the cost of prescription drugs for all Americans but also should shut down the unregulated importation of drugs from foreign pharmacies, the situation we have today. The Dorgan amendment, in fact, would improve drug safety, not threaten it. It would open trade to lower cost drugs.

In 2004, my staff was briefed about an investigation that the Permanent Subcommittee on Investigations of the Senate Governmental Affairs Committee conducted. That subcommittee conducted this investigation into what we would call going on right now, current drug importation. They found about 40,000 parcels containing prescription drugs come through the JFK mail facility every single day of the year, 40,000 packages each day.

Now the JFK airport houses the largest international mail branch in the United States, but even then that is the tip of the iceberg. According to this subcommittee, each day 30,000 packages of drugs enter the U.S. through Miami, 20,000 enter through Chicago. That is another 50,000 more packages each and every day.

What is worse, about 28 percent of the drugs coming in are controlled substances. So we have a situation where we need the basic approach in this amendment to assure that imported drugs are safe. That is what the Dorgan amendment is all about, to give FDA the ability to verify the drug pedigree back to the manufacturer, to require FDA to inspect frequently, and to require fees to give the FDA the resources to do that.

The bottom line is, the Dorgan amendment gives the FDA the authority and the resources it needs to implement drug importation safely.

Certainly, the President knows that a great way to hold drug companies accountable is to allow safe, legal drug importation. I would like to quote this President not when he was a candidate for President but a candidate for the Senate. This is what President Obama said then:

> I urge my opponent to stop siding with the drug manufacturers and put aside his opposition to the reimportation of lower priced prescription drugs.

Now we are hearing about the secret deal with big PhRMA. That was revised just this week to solidify support with PhRMA's allies for killing this very important Dorgan amendment. The drug companies will stop at nothing to keep the United States closed to other markets in order to charge higher prices.

With the Dorgan amendment, we are working to get the job done. What we need is to make sure Americans have even greater, more affordable access to wonder drugs by further opening the doors to competition in the global pharmaceutical industry.

Americans are waiting. Too often this thing has been stymied, and it looks like there is another chance to stymie it. Only I am surprised. Most of the time in the past that I have been for the importation of drugs, it was my colleagues over here who were trying to stymie it. But now it looks as though it is the other side. We ought to

have a vast majority for this amendment. I would be surprised. It would be a crime, if we didn't.

I yield the floor.

Mr. ROBERTS. Mr. President, I rise today to talk about prescription drug importation and patient safety. Senator DORGAN's amendment to allow for the importation of prescription drugs into the United States could have grave consequences for patient safety in America.

In a recent letter to my good friend and home State colleague Senator BROWNBACK, the Commissioner of the Food and Drug Administration, Dr. Margaret Hamburg, identified the four risks to patient safety that drug importation schemes pose: No. 1, the drug may not be safe or effective; No. 2, the drug may not be a consistently made, high quality product; No. 3, the drug may not be substitutable with an FDA-approved product; and No. 4, the drug may be contaminated or counterfeit.

That is a lot of risk to expose already-vulnerable patients to. And think about this: Malta. Cyprus. Latvia. Estonia. Slovakia. Greece. Hungary. Romania. These are just a few of the countries that could be exporting prescription drugs to the United States if the Dorgan amendment passes. As a former chairman of the Senate Intelligence Committee, I have grave concerns about the ability of these countries to adequately protect their drug supplies.

Our Food and Drug Administration, the FDA, is the gold standard for drug and product safety in the world, and even it has not been one hundred percent effective in preventing contaminated and counterfeit products from entering our supply chain. The recent scandals involving imported heparin, infant formula, and toothpaste have demonstrated the unfortunate limitations of the FDA's ability to conduct foreign inspections of food, drugs and cosmetics manufacturers abroad. If our own safety watchdog can't guarantee our protection, how can we expect that protection from Malta or Slovakia?

There is a real risk that these countries will be vulnerable to importing drugs from countries that are known for high rates of counterfeiting. In the European Union last year, 34 million counterfeit drugs were seized at border crossings in just 2 months. The World Health Organization estimates that drug counterfeiting rates in Africa and parts of Asia and Latin America are 30 percent or more. And up to 50 percent of medicines purchased from Internet sites that conceal their address are found to be counterfeit. Do we really want an HIV or cancer patient in Ohio, or Arizona or Kansas to rely on imported medicines that may have zero effectiveness, or which may even be harmful?

According to FDA Commissioner Hamburg, the Dorgan amendment does not adequately address these potential risks. In fact, the Commissioner says that the amendment ''would be logistically challenging to implement and resource intensive'' and that ''significant safety concerns . . . and safety issues'' remain.

Senator LAUTENBERG has introduced a side-by-side amendment to Senator DORGAN's, requiring that, before any law allowing the importation of prescription drugs into the United States can become effective, the Secretary of Health and Human Services must certify that such a scheme will both pose no additional risk to the public's health and safety, AND result in a significant reduction in costs for consumers.

I think that this amendment just makes sense. We must protect the prescription drug supply in America.

Mr. LEAHY. Mr. President, making medicine affordable is part of what health reform should be. Today we have the opportunity to include a measure long-championed by Senator DORGAN, which makes affordable prescription drugs more widely available to Americans.

Americans pay some of the highest prices for prescription drugs of any country in the world despite the fact that many of these drugs are made right here, and they are often made with the benefit of taxpayer supported research. Prescription drugs are a lifeline, not a luxury. The issue boils down to access: A prescription drug is neither safe nor effective if you cannot afford to buy it.

We have to recognize that this imposes real dangers on American consumers when they cannot follow their doctor's treatment plan because they can't afford their medicine. While we must do more to bring affordable healthcare to the millions of Americans who are currently uninsured or who do not have good coverage, we cannot continue to deny them this immediate market-based solution.

I am proud to be a cosponsor of the Dorgan-Snowe amendment to allow pharmacies and drug wholesalers in the United States to import the very same medications that are FDA-approved in the United States from Canada, Europe, Australia, New Zealand, and Japan where prices are 35–55 percent lower than in the United States. Consumers will be able to purchase the very same prescription medications from their local pharmacies at a third or half of the cost. Additionally, the legislation would also allow individuals to purchase prescription drugs from FDA-inspected Canadian pharmacies—something Vermonters have crossed the border to do many times before.

For many Vermonters today, purchasing drugs from Canada literally means the difference between following their doctors' orders and having to throw the dice with their health and sometimes even with their lives by doing without their prescription medicines. It makes the difference for the woman who has maxed out her health plan's annual prescription drug benefit only three months into the year and is then faced with purchasing the other nine months worth of medicine at U.S. prices on her own. It makes the difference for the elderly man on a fixed income who is unable to afford both the heart medicine he needs to live, and the gas bill he needs to keep warm. Are we prepared to tell those in dire need that they must go back to choosing between paying gas, food, and heating bills, or their medicine?

Of course not, and I urge my fellow Senators to support the Dorgan-Snowe amendment.

Mr. ENZI. Mr. President, I rise today to talk about prescription drug importation. As my colleagues know, I oppose this proposal.

It is our job as Senators to debate the issues, put forward our ideas, and show where we stand. I was disappointed that Democratic leadership chose to prevent the Senate from voting on amendments to improve this bill for the past 6 days. I am, however, glad the impasse has finally been resolved.

I am not afraid to show where I stand on this issue. Some of my colleagues on both sides of the aisle support importation. Some, like me, oppose it. But my position is clear, and does not change with the political winds.

The winds I am referring to include the arrangement that was reportedly negotiated with the drug manufacturers. Under the terms of this backroom deal, the drug manufacturers have reportedly agreed to $80 billion in price cuts and provided a commitment to spend $150 million in ads supporting the Reid bill.

In exchange, Senate Democratic leadership and President Obama have reportedly agreed to block efforts to enact drug importation from Canada.

According to one Wall Street analyst's report, the Reid bill is expected to increase drug company profits by more than $137 billion over the next 4 years. Let's do the math on that: $80 billion in cuts, leading to $137 billion in increased profits.

While this may be a good deal from the drug manufacturers and Senate Democrats, it certainly is not a good deal for the American people. Part of the reported deal will actually increase Medicare costs to the taxpayer, because it creates an incentive for Medicare beneficiaries to continue using brand-name drugs.

According to the Congressional Budget Office, Federal Medicare costs will be increased by $15 billion over the next decade as a result of this deal. In the last few days, there have been new press reports highlighting how the drug manufacturers may have agreed to provide even deeper discounts on their brand-name drugs. No one knows how much more this deal will cost the taxpayers.

In addition to increasing the price Americans will pay for the Reid bill, this deal appears to have also undermined Democratic support for a drug importation amendment.

My colleagues who believe importation is the right way to lower drug

costs say that it will save the government $19 billion and consumers $80 billion over the next 10 years.

The majority leader has previously voted for drug importation. President Obama supported drug importation when he was in the Senate. The supporters of drug importation should be able to easily pass this amendment without any limitations.

Yet it looks like the supporters of drug importation will not succeed today. It appears likely that safety certification language, similar to language included in prior years, will be added to this proposal.

My colleagues each know where they stand on the issue. But the deal with the drug manufacturers is apparently so important that supporters of drug importation are going to vote against the proposal.

It is important for the American people to understand why there has been this change of heart on this issue. The drug manufacturers are one of the few remaining health care groups that still support the Reid bill. They have committed to spend $150 million to buy television ads to support the Democrats efforts on health reform.

If my Democratic colleagues fail to adopt drug importation without the safety language, it is because the Senate Democratic leadership and the White House have decided they will do whatever it takes to keep the support of the drug manufacturers. They believe that the money these companies will spend will be enough to convince the American people to support their efforts.

The American people already understand that the Reid bill is not a good deal for them. They understand how this bill will raise their taxes, increase their insurance premiums and cut Medicare benefits for millions of seniors.

That is why over 60 percent of Americans now oppose the Democratic health reform proposals. No amount of advertising, funded by the drug companies or anyone else, is going to change that reality.

Mr. LEVIN. Mr. President, it has become apparent that passage of this Dorgan amendment relative to importation of prescription drugs, an amendment which I have long supported, could threaten passage of broader health care reform. If so, the perfect would become the enemy of the good. For that reason, I will vote ''no'' on the Dorgan amendment on this bill.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 3156 TO AMENDMENT NO. 2786

(Purpose: To provide for the importation of prescription drugs)

Mr. LAUTENBERG. Mr. President, I offer time to my colleague from New Jersey, Senator MENENDEZ—up to 11 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate my distinguished senior colleague from New Jersey yielding time. I know he is going to call up his amendment shortly, and that is what I want to speak to.

Mr. President, before I get to the core of my remarks, I want to tell my colleague who left the floor, I was tempted to rise under rule XIX that says:

> No Senator in debate shall, directly or indirectly, by any form or words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

I could impute, if I wanted to, I guess, that maybe there are some who really do not care about this plan as much as they care about killing health care reform, but I would not do that. I would not do that. So I hope in the context of the debate I am not forced to rise under rule XIX.

Mr. President, I rise in favor of the amendment of Senator LAUTENBERG, who is going to offer it shortly, because it does two things that underscore the entire debate about health care reform: It protects the American people by putting the safety of families first—and there is a lot of brushing aside of safety here; safety is paramount; safety is paramount—and it lowers costs. At its core, that is what this health care debate is all about.

I appreciate the intentions of the amendment that has been offered on the floor, but in my view it is regressive. It harkens back to a time when the lack of sufficient drug regulation allowed people to sell snake oil and magic elixirs that promised everything and did nothing. To allow the importation of untested, unregulated drugs made from untested and unregulated ingredients from 32 countries into the medicine cabinets of American families without serious safety precautions flies in the face of protecting the American people, and it is contrary to the context of health care reform.

The amendment by Senator LAUTENBERG brings us around to the real purpose of why we have been here on the floor, which is to create the type of reform that ultimately gives greater health insurance and greater safety to the American people.

They care about honest, real reform that makes health care affordable and protects American families, protects them from the potential of counterfeit drugs that promise to cure but do absolutely nothing, just as we are here to protect them from insurance policies that promise to provide health care for a premium and then deny coverage and provide no health care at all.

Basically, what Senator LAUTENBERG's amendment is going to do is modify the Dorgan amendment to allow reimportation but to do it when basic safety concerns to keep our prescription medications safe are complied with. It includes the Dorgan importation amendment but adds one fundamental element of broader health care reform: It protects the American people from those who would game the system for profits at the expense of the health and safety of American families. That is what this reform is all about. Specifically, when it comes to the importation of prescription medication, this amendment will help us be sure that what we think we are buying in the bottle is, in fact, what is in that bottle.

I want to make reference to a letter. We talk about safety, and there is a lot of pooh-poohing that, oh, there are no safety concerns. Well, there is one entity in this country that is responsible for safety when it comes to food and drugs, and it is called the FDA, the Food and Drug Administration. In a letter from FDA Commissioner Hamburg, she mentions four potential risks to patients that, in her opinion, must be addressed:

First, she is concerned that some imported drugs may not be safe and effective because they were not subject to a rigorous regulatory review prior to approval.

Second, the drugs ''may not be a consistently made, high quality product because they were not manufactured in a facility that complied with appropriate good manufacturing practices.''

Third, the drugs ''may not be substitutable with the FDA approved products because of differences in composition or manufacturing . . . ''

Fourth, the drugs simply ''may not be what they purport to be'' because inadequate safeguards in the supply chain may have allowed contamination or, worse, counterfeiting.

It addresses FDA Commissioner Hamburg's statement about the amendment of my colleague from North Dakota:

> that there are significant safety concerns related to allowing the importation of non-bioequivalent products, and safety issues—
>
> ''Safety issues''—
>
> related to confusion in distribution and labeling of foreign products and the domestic product that remain to be fully addressed in the amendment.

Senator LAUTENBERG's amendment addresses this concern. It allows importation, but it protects the American people by requiring that before any drug is imported to the United States, it must be certified to be safe and to reduce costs. So it does what the FDA Commissioner is talking about here, the agency responsible for protecting the American people. People may just want to not believe it, they may want to ignore it, but the fact is, this is the entity responsible in this country to protect the food supply and the drug supply.

We want to be as certain as we possibly can be of the conditions under which imported drugs are manufactured, that they are safe to use and we know where their ingredients originated before they are imported. We want to be absolutely certain patients are getting the prescription medications that are the same in substance, quality, and quantity that their doctor has prescribed. This amendment requires the Secretary of Health and

Human Services to certify that all imported drugs are safe and will reduce costs before they are allowed into America's medicine cabinets.

I have heard a lot about the European Union here. Well, let's look at what the European Union is now saying. They are constantly being offered on the floor for the reason why, in fact, we should follow what the European Union is saying. Well, let's see what happens if we allow unregulated importation. Let's look at the European Union.

Last week, the European Union Commissioner in charge of this issue said:

> The number of counterfeit medicines arriving in Europe . . . is constantly growing. The European Commission is extremely worried.
>
> In just two months, the EU seized 34 million—

Hear me: ''million''—

> fake tablets at customs points in all member countries. This exceeded our worst fears.

I do not want American families to see those fears come to life here. I believe that if we do not pass the Lautenberg amendment and if we were to pass the Dorgan amendment, we would open the floodgates. The European Union's experience only proves my concerns, not alleviates them as the other side would suggest.

Here is the problem: a $75 counterfeit cancer drug that contains half of the dosage the doctor told you you needed to combat your disease does not save Americans' money and certainly is not worth the price in terms of dollars or risk to life.

Let's not now open our national borders to insufficiently regulated drugs from around the world. It seems to me real health reform—particularly for our seniors and those who are qualified under the Medicare Program who receive their prescription coverage under that—comes by filling the doughnut hole in its entirety, which we have declared we will do in the conference, as we are committed to do, that provides for the coverage of prescription drugs that AARP talks about on behalf of its millions of members. That is what we want to see—not by unregulated reimportation.

We should have no illusions, keeping our drug supply safe in a global economy, in which we cannot affect the motives and willingness of others to game the system for greed and profit, will be a monumental but essential task. It will require a global reach, extraordinary vigilance to enforce the highest standards in parts of the world that have minimum standards now, so we do not have to ask which drug is real and which is counterfeit.

Let me just show some examples of those. People say: Oh, no, this safety issue is not really the case.

Tamiflu. We saw a rush, when the H1N1 virus came. People wanted to buy Tamiflu. As shown on this chart, which is the real one and which is the counterfeit one? There actually is one that is approved and one that is counterfeit, but the average person would not know the difference. Or if it is Aricept, a drug to slow the progression of Alzheimer's disease, which one is the real one and which one is the counterfeit one? If I did not tell you from the labels, you probably would not know, but there is an approved one and there is a counterfeit one. As someone who lost his mother to Alzheimer's, I can tell you that having the wrong drug in the wrong dosage would not have helped her slow the progression of her illness. It makes a difference.

Let's look at others. Lipitor; very important. You are walking around with a real problem with cholesterol, and you think you are taking the appropriate dosage and the appropriate drug. But, as shown on this chart, which is the real one and which is the counterfeit one? There is a counterfeit one and there is an approved one, a real one, but if you are taking the counterfeit one and you think you are meeting your challenges, you might have a heart attack as a result of not having the real one. By the time you figure it out, it could be too late to reverse the damage. That is the problem. That is the global economy opening up possibilities at the end of the day.

Mr. President, I ask the Senator from New Jersey for an additional minute.

Mr. LAUTENBERG. Mr. President, I yield 1 more minute to the Senator.

Mr. MENENDEZ. Finally, this is a gamble we cannot afford to take: To open up the potential for these drugs—or the ingredients used in these drugs—to find their way from nation to nation, from Southeast Asia, where the problem is epidemic, to one of the 32 nations listed in this amendment and then into the homes of American families. That is a gamble we cannot take. That is not about protecting our citizens. That is not about providing prescription drugs that ultimately meet the challenge of a person's illness. Filling the doughnut hole totally, which is what we are going to do, is the way to achieve it.

So I do hope that is what we will do. I do hope we will adopt Senator LAUTENBERG's amendment and defeat the Dorgan amendment, for I fear for the safety of our citizens, and I fear as to whether we can ultimately achieve filling that doughnut hole if this amendment, ultimately, gets adopted, and I fear what that means for health care reform at the end of the day.

With that, Mr. President, I yield back the remainder of my time and thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I call up amendment No. 3156—it is at the desk—and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. CARPER, and Mr. MENENDEZ, proposes an amendment numbered 3156 to amendment No. 2786.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Thursday, December 10, 2009, under ''Text of Amendments.'')

Mr. LAUTENBERG. Mr. President, I rise today because one thing we have to do as we progress with this health care reform bill is to make sure prescription medicine in our country is safe and affordable. I thank my colleague from New Jersey for his excellent review of the conditions that cause us to add this amendment to Senator DORGAN's amendment that would allow potentially unsafe prescription drugs to be shipped across our borders and directly into the medicine cabinets of homes throughout America.

I want to be clear, the effect of this plan Senator DORGAN has offered could be catastrophic. That is why President Obama's administration has written to the Congress expressing its serious concerns with the Dorgan amendment.

I appreciate the efforts to try to lower prescription drug prices. After all, that is what we are doing with the whole health reform review—trying to get costs reduced so everyone can have safe and affordable health care. We want to make sure people do not harm their health with any shortcuts.

We all want Americans to stay healthy and still have some money left in their pockets. But as much as we want to cut costs for consumers, we cannot afford to cut corners and risk exposing Americans to drugs that are ineffective or unsafe.

The fact is, this is a matter of life and death. The European Commission just discovered that counterfeit drugs in Europe are worse than they feared. In just 2 months—and I know Senator MENENDEZ made reference to this as well—the EU seized 34 million fake tablets, including antibiotics, cancer treatments, and anticholesterol medicine.

As the industry commissioner of the EU said:

> Every faked drug is a potential massacre. Even when a medicine only contains an ineffective substance, this can lead to people dying because they think they are fighting their illnesses with a real drug.

Americans buy medicine to lower their cholesterol, fight cancer, and prevent heart disease. Imagine what would happen to a mother or a child if they start relying on medicine imported from another country only to find out years later that the drug was a fake. Imagine the heartbreak that might ensue if the medicine Americans were taking was found to be harmful. The fact is that drugs from other countries have dangerously high counterfeit rates and importation could expose Americans to those drugs.

Under the Dorgan amendment, drugs would be imported from former Soviet Union countries where the World Health Organization estimates that

over 20 percent of the drugs are counterfeit. Under the Dorgan amendment, drugs that originate in China could find their way into our homes. We know that China has been the source of many dangerous products in recent years, from toys laced with lead to toothpaste made with antifreeze.

If we are going to trust drugs from other countries, we need to be absolutely certain we are not putting Americans' lives at risk. That is why the Food and Drug Administration went on record to express its concerns with the Dorgan amendment. They say:

> There are significant safety concerns related to allowing the importation of non-bioequivalent products, and safety issues related to confusion in distribution and labeling of foreign products and the domestic product that remain to be fully addressed in the amendment.

That is from the FDA Commissioner Margaret Hamburg.

There are problems associated with the possibility of drugs coming to this country that are way different than that which is expected to be used in the treatment of sickness.

President Obama's FDA Commissioner also wrote and said that importing drugs presents a risk to patients because the drug may not be safe and effective, may not have been made in a facility with good manufacturing practices, and may not be the drug it claims to be.

In light of the serious concerns raised by the Obama administration, I am offering an amendment to require that the Department of Health and Human Services certify that the drugs are safe and will reduce costs before they are imported. My amendment is a commonsense bipartisan alternative to the Dorgan amendment. In fact, it is the exact same language as the Dorgan importation amendment, but with the certification requirement that is so important to ensure safety.

If we are going to allow the importation of drugs from other countries, we have to be certain they are safe and affordable. With this amendment, I would be in support of the Dorgan amendment. Only certification by health experts will provide that assurance. I urge my colleagues to support my amendment and oppose the Dorgan amendment.

We have no way of knowing what the working conditions might be like in a plant or a facility, or the sanitary conditions, in other countries, or whether in the process of packing and shipping temperatures might not be appropriate for the product to arrive without deterioration. Thusly, again, I stress—bring in what you want, just make sure it is safe for the people. There is no moment in the discussion we have had about the health care reform bill that says, Look, you can save money by taking a chance on a shortcut here or a shortcut there. Absolutely not. We wouldn't think of proposing anything such as that, and we ought not to be proposing it here now.

I yield 5 minutes to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I rise today to speak about drug reimportation. With millions of seniors balancing drug regimens that entail taking several medicines per day on a fixed income, I believe we need to find a way to ensure that they have access to affordable drugs. If we could reduce the cost of drugs with reimportation and guarantee the safety of those drugs, I would be very supportive. However, I have serious doubts that we can adequately ensure the safety of our drug supply with the drug reimportation amendment proposed by my colleague from North Dakota.

Even without reimportation, the United States has had trouble with counterfeit drugs. At the height of the H1N1 epidemic this fall, the FDA was warning consumers to be wary of counterfeit H1N1 treatments. These counterfeits came from foreign online pharmacies. In one instance, the FDA seized so-called H1N1 treatment tablets from India and found them to contain talc and acetaminophen. Last month, the Washington Post reported on a coordinated global raid of counterfeit drugs from the United States to Europe to Singapore. The United States discovered about 800 alleged packages of fake or suspicious prescription drugs, including Viagra, Vicodin, and Claritin, and shut down 68 alleged rogue online pharmacies.

Counterfeit pharmaceutical drugs are appearing on the market at increasingly alarming rates. In 2007, drugs comprised 6 percent of the total counterfeit product seizures. In 1 year, they have now jumped to 10 percent of all counterfeit product seizures.

This growing problem is all about unscrupulous criminals preying on the sick and the elderly who are in desperate need of cheaper drugs. But the consequences are harmful and, in some cases, deadly.

Officials estimate that some of these counterfeit drugs contain either a dangerous amount of active ingredients or were placebos. Some counterfeits include toxic chemicals such as drywall material, antifreeze, and even yellow highway paint.

According to a recent Washington Post article, tracing the origins of drugs such as Cialis and Viagra took investigators across the globe and back again. Supposedly these drugs came from a warehouse in New Delhi, though the online company selling the drug was headquartered in Canada and was licensed to sell medicine in Minnesota. However, when Federal officials investigated the drug origins further, they actually found that the online Web site was registered in China, its server was hosted in Russia, and its headquarters had previously been listed in Louisiana.

On a local level near our capital, the Baltimore Sun yesterday reported on the death of a University of Maryland pharmacologist, Carrie John. Ms. John suffered an allergic reaction to a counterfeit version of a legal drug in the United States but purchased illegally from the Philippines. Apparently, the counterfeit drug so closely resembled the legal version that two pharmacologists conducting the analysis after Ms. John's death could not tell the difference. Local police have yet to identify the contents of the counterfeit drug.

A few of my colleagues have already mentioned the letter sent last week by FDA Commissioner Margaret Hamburg outlining the safety concerns the FDA has about reimportation. Specifically, the FDA stated that importing non-FDA-approved prescription drugs posed four potential risks to patients. Let me go over those four risks.

No. 1: The drug may not be safe and effective because it did not undergo the rigorous FDA regulatory review process.

No. 2: The drug may not be a consistently made, high quality product because the facility in which it was manufactured was not reviewed by the FDA.

No. 3: The drug may not be substitutable with the FDA-approved product because of differences in composition or manufacturing.

No. 4: The drug could be contaminated or counterfeit as a result of inadequate safeguards in the supply chain.

If the agency that oversees drug safety is saying it would have difficulty guaranteeing the safety of our Nation's drug supply with reimportation, I have grave concerns, particularly since the FDA is already underfunded and understaffed.

But let's take a moment to examine how Europe, which does allow reimportation, has fared in terms of safety.

British authorities say counterfeit drugs often exchange hands between middlemen and are repackaged multiple times before reaching a legitimate hospital or pharmacist. This creates opportunities for counterfeit products, often produced in China and shipped through the Middle East, to penetrate the European market.

The PRESIDING OFFICER. The Senator has used her 5 minutes.

Mrs. HAGAN. Mr. President, I ask unanimous consent for 3 additional minutes.

Mr. LAUTENBERG. No objection.

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

Mrs. HAGAN. In 2008, British authorities identified 40,000 doses of counterfeit Casodex, a hormone treatment for men with advanced prostate cancer, and Plavix, a blood thinner.

More recently, the European Union seized 34 million fake tablets at customs points in all member countries. In other countries around the world, the World Health Organization estimates that up to 30 percent of the medicines on sale may be counterfeit. As a result, numerous people have died.

Earlier this year, 80 infants in Nigeria died from teething medicine that contained a toxic coolant. In July, 24 children in Bangladesh died from the consumption of poisonous acetaminophen syrup.

The Dorgan amendment does not require imported drugs to be FDA approved or meet FDA misbranding standards. Furthermore, it does not prevent criminals in other countries from repackaging imported drugs.

Although our safety system is not perfect, we have a thorough FDA review system for drug safety that actively involves physicians, pharmacists, and patients. As a result, Americans can be generally confident that our medications are safe and contain the ingredients on the bottle.

Supporters of reimportation argue that the sick and elderly need an alternative way to obtain affordable drugs. However, a study by the London School of Economics found that in the European Union, middlemen reaped most of the profits with relatively little savings passed down to the consumer. Nothing in the Dorgan amendment requires the savings to be passed on to the consumer, leaving the door wide open for unscrupulous, profit-seeking third parties to get into the reimportation game.

In the United States, we are already trying to reduce the cost of prescription drugs through the use of generics. This is one of the most effective ways for customers to reap savings, and the generic dispensing rate at retail pharmacies is close to 65 percent. The FDA is already working with stakeholders to develop drug reimportation policy. With the FDA looking into this and significant outstanding safety concerns, I cannot in good conscience support the amendment offered by my colleague from North Dakota. Instead, I will support the amendment offered by my colleague from New Jersey. The Lautenberg amendment will allow the importation of drugs only if the Secretary of Health and Human Services certifies that doing so would save money for Americans and would not adversely affect the safety of our drug supply.

While it is critical that all Americans, especially our Nation's seniors, have access to affordable drugs, it is imperative that we not compromise the safety of U.S. drugs on the market. After all, what good are cheap drugs if they are toxic or ineffective?

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

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I believe my colleague from North Dakota intends to make further remarks. How much time do we have on our side, please?

The PRESIDING OFFICER. The Senator from New Jersey controls 13 minutes.

Mr. LAUTENBERG. Thirteen minutes.

Mr. President, if Senator DORGAN is here, then we are trying to accommodate a colleague who wishes to speak on this. How much time is left on the Dorgan side?

The PRESIDING OFFICER. The Senator from North Dakota has 28 minutes remaining.

Mr. LAUTENBERG. Mr. President, we heard about what is happening in the EU having to do with the question of whether drugs are counterfeit and the serious consequences of having people take medication that is not what it is supposed to be—the consequences of something like that, especially interfaced with other products.

There was a news report last week that was printed in Yahoo News. They quote the Industry Commissioner of the European Union—the program in Europe that controls drug safety or at least attempts to. We see that the European Union has expressed concern about the situation they see there. The Commissioner, Mr. Verheugen, said he expected the EU to take action to fight the menace of fake pharmaceuticals. Then he said he thought the EU would agree, in 2010, that a drug's journey from manufacture to sale should be scrutinized carefully and there will be special markings on the packages.

There is a lot of concern about this, and we ought not to dash willy-nilly through here without understanding what the consequences of fake medication might be. I wish to see our people pay as little as they can to get the medicines they need. Part of that has to include a safety factor. As I said earlier, we would not suggest anything in the health reform bill that would take a shortcut and disregard safety. I have a letter that was sent from the Department of Health and Human Services, which I quoted a little bit ago. They say the letter is being sent on the amendment filed by Senator DORGAN. The administration supports this program, which I agree to, to buy safe and effective drugs from other countries and included $5 million in our 2010 budget.

They go on to say—and this is from the Commissioner of Food and Drugs—that:

> Importing non-FDA-approved prescription drugs presents four potential risks to patients that must be addressed: (1) the drug may not be safe and effective because it was not subject to a rigorous regulatory review prior to approval; (2) the drug may not be consistently made, high quality product because it was not manufactured in a facility that complies with appropriate good manufacturing practices; (3) the drug may not be substitutable with the FDA-approved product because of differences in composition or manufacturing; and (4) the drug may not be what it purports to be, because it has been contaminated or is a counterfeit due to inadequate safeguards in the supply chain.

I ask unanimous consent that this letter, sent to Senator TOM CARPER, from the Department of Health and Human Services, be printed in the RECORD.

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION,
Silver Spring, MD, December 8, 2009.

Hon. TOM CARPER,
U.S. Senate,
Washington, DC.

DEAR SENATOR CARPER: Thank you for your letter requesting our views on the amendment filed by Senator Dorgan to allow for the importation of prescription drugs. The Administration supports a program to allow Americans to buy safe and effective drugs from other countries and included $5 million in our FY 2010 budget request for the Food and Drug Administration (FDA or the Agency) to begin working with various stakeholders to develop policy options related to drug importation.

Importing non-FDA approved prescription drugs presents four potential risks to patients that must be addressed: (1) the drug may not be safe and effective because it was not subject to a rigorous regulatory review prior to approval; (2) the drug may not be a consistently made, high quality product because it was not manufactured in a facility that complies with appropriate good manufacturing practices; (3) the drug may not be substitutable with the FDA-approved product because of differences in composition or manufacturing; and (4) the drug may not be what it purports to be, because it has been contaminated or is a counterfeit due to inadequate safeguards in the supply chain.

In establishing an infrastructure for the importation of prescription drugs, there are two critical challenges in addressing these risks. First, FDA does not have clear authority over foreign supply chains. One reason the U.S. drug supply is one of the safest in the world is because it is a closed system under which all the participants are subject to FDA oversight and to strong penalties for failure to comply with U.S. law. Second, FDA review of both the drugs and the facilities would be very costly. FDA would have to review data to determine whether or not the non-FDA approved drug is safe, effective, and substitutable with the FDA-approved version. In addition, the FDA would need to review drug facilities to determine whether or not they manufacture high quality products consistently.

The Dorgan importation amendment seeks to address these risks. It would establish an infrastructure governing the importation of qualifying drugs that are different from U.S. label drugs, by registered importers and by individuals for their personal use. The amendment also sets out registration conditions for importers and exporters as well as inspection requirements and other regulatory compliance activities, among other provisions.

We commend the sponsors for their efforts to include numerous protective measures in the bill that address the inherent risks of importing foreign products and other safety concerns relating to the distribution system for drugs within the U.S. However, as currently written, the resulting structure would be logistically challenging to implement and resource intensive. In addition, there are significant safety concerns related to allowing the importation of non-bioequivalent products, and safety issues related to confusion in distribution and labeling of foreign products and the domestic product that remain to be fully addressed in the amendment.

We appreciate your strong leadership on this important issue and would look forward to working with you as we continue to explore policy options to develop an avenue for the importation of safe and effective prescription drugs from other countries.

Sincerely,

MARGARET A. HAMBURG,
Commissioner of Food and Drugs.

Mr. LAUTENBERG. Mr. President, I will now suggest the absence of a quorum and ask unanimous consent that it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. Reserving the right to object, Mr. President. You can't do that to us because we only have 8½ minutes left on our side.

Mr. LAUTENBERG. You have considerably more based on—

Mr. GRASSLEY. We only have 8½ minutes.

Mr. DORGAN. Mr. President, I ask the Senator to withhold his request for a quorum.

Mr. LAUTENBERG. Yes, I withdraw the request.

Mr. DORGAN. Mr. President, back in the mid-1800s, when Lincoln and Douglas were having their famous debates, at one point Lincoln was exasperated because he could not get Douglas to understand something he was saying. He said to Douglas: Listen, how many legs does a horse have? Douglas said: Four, of course. Lincoln said: If you call the tail a leg, how many legs would he have? Douglas said: Five. Lincoln said: There is where you are wrong. Simply calling a tail a leg doesn't make it a leg at all.

Yes, that is exactly what my colleagues have done, suggesting the amendment we are offering is for untested, unregulated drugs. It is not true. The only drugs we are talking about are FDA-approved drugs that are made at an FDA-inspected plant, part of a chain of custody equal to the U.S. chain of custody. It is simply not true that we are talking about untested, unregulated drugs. That is not true. Simply saying that doesn't make it true.

Here is why we are on the floor of the Senate. We are reforming health care. That is what the bill is. Part of health care is prescription drugs. A lot of people take prescription drugs to keep them out of a hospital bed. It manages their disease. Prescription drugs are very important.

Here is what happened to the prices year after year. As you can see on this chart, the rate of inflation is in yellow and the prescription drug prices are in red. This year alone, it is up 9 percent, at a time when inflation is below zero.

Well, why do we want to be able to access the same FDA-approved drug where it is sold elsewhere at a fraction of the price? Because the American people will pay in the next decade—if we don't pass this legislation—$100 billion in excess prescription drug prices. If you need to take Nexium for acid reflux—maybe after this vote we will all need it. But if you are going to buy Nexium, it costs $424 for an equivalent quantity in the United States. You can buy it for $41 in the UK, $36 in Spain—but it is $424 here. Sound fair? Not to me.

Lipitor is the most popular cholesterol-lowering drug in the world. It is $125 in the United States for an equivalent quantity. You get the same thing for $40 in the UK or one-third of the price. It is $32 in Spain, one-fourth the price. It is $33 in Canada. The American people get to pay triple or quadruple the price. By the way, it comes in these bottles. I ask unanimous consent to use the bottles.

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

Mr. DORGAN. They both contained Lipitor that is made in Ireland by an American corporation. They have different colored labels, but they are made in the same plant, FDA approved, and they are sent to different places—this one to Canada and this one to the United States. But we have the privilege of paying triple the price. Sound fair? Not to me it doesn't.

Here is a sample. Boniva, for osteoporosis, is up 18 percent this year. Singulair, for asthma, is up 12 percent. Enbrel, for arthritis, is up 12 percent. Here is Plavix—the list goes on.

The question is, Is there something we ought to do about this or should we say let's pass health care reform and ignore what is happening to the price of prescription drugs? This amendment I offered, along with Senators MCCAIN and GRASSLEY and other colleagues on this side—30 cosponsors—is all about freedom for the American people. If this is a global economy, how about giving the American people the freedom to access identical prescription drugs, which we know are identical because we require safety if it doesn't even exist in our own supply. Those who talk about safety, I remind them 40 percent of the active ingredients in prescription drugs of the United States come from India and China—from places that have never been inspected.

The Wall Street Journal did terrific expose about this. There were over 60 people who died from Heparin in this country. It was contaminated. Here is where they were making it. This picture was in the investigation. Here is a rusty old pot being stirred with a limb from a tree. Those are active ingredients for American drugs. This guy is working with pig intestines—guts from a hog. This old man here, with a wooden stick—it looks unsanitary doesn't it? That is the source of Heparin. These are the photographs by the Wall Street Journal investigative reporter. They are telling us FDA-approved drugs coming from other countries, with a chain of custody identical to ours, would pose some sort of threat. Are you kidding? You can make that charge without laughing out loud?

Let's talk about the existing drug supply for a moment. This is a young man named Tim Fagan. He was a victim of counterfeit domestic drugs in this country—not imported FDA-approved drugs. Do you know where this guy's drug came from? Here is the report done on that. It is made by Amgen. It went through all these places. It ended up at a place called Playpen, which is a south Florida strip club—in a cooler in the back room of a south Florida strip club. At one point it was stored in car trunks. Finally, it was prescribed and administered to this young man named Tim Fagan. He survived, but he was getting medicine with one-twentieth the necessary strength for a serious disease that his doctor intended for him.

Don't talk to me about the issue of prescription drug safety. We are talking about safety that doesn't now exist in the domestic drug supply, but safety standards are included in this amendment. Every drug should have a pedigree to track where it came from and, in every respect, between manufacture and consumption. There ought to be batch lots and tracers for every drug. There ought to be pedigree for the domestic drug supply as well.

I wish to quote a former vice president of Pfizer Corporation, a prescription drug manufacturer, Dr. Peter Rost:

> Right now, drug companies are testifying that imported drugs are unsafe. Nothing could be further from the truth.

This is from a vice president of one of the major drug companies—''nothing can be further from the truth.'' He was fired, to be sure. You can't say that if you are working for a drug company. Their business is to try to keep the pricing strategy the way it is.

I might say, I don't have a beef with the drug industry. I have a beef with their pricing policy that says we will sell the same drug everywhere in the world at a fraction of the price we charge the American consumer. How do you make that stick? By a sweetheart deal in law that says the American consumer cannot import the drug. The Spanish can import drugs from Germany. The French can import drugs from Italy. But the American consumer is told you don't have the freedom to shop for that same FDA-approved drug—approved because the place where it is produced is inspected by the FDA, in a country with an identical chain of custody, but the U.S. consumer doesn't have the freedom to make that purchase.

If I might, Dr. Peter Rost, the same guy just I quoted, said:

> During my time responsible for a region in northeastern Europe, I never once—not once—heard the drug industry, regulatory agencies, the government, or anyone else say this practice was unsafe, and I personally think it is outright derogatory to claim that the Americans would not be able to handle the reimportation of drugs, when the rest of the educated world can do this.

Dr. Peter Rost also said:

> The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that, in Europe, reimportation of drugs has been in place for 20 years.

Hank McKinnell, a former Pfizer CEO, said:

> Name an industry in which competition is allowed to flourish—computers, telecommunications, small package shipping, retailing, entertainment, and I'll show you lower prices, higher quality, more innovation, and better customer service. There is

nary an exception. OK, there is one. So far, the health care industry seems immune to the discipline of competition.

Nowhere is that more evident with respect to pharmaceutical drugs.

The question today is, Will we once again offer a prescription drug importation bill that will save consumers and the Federal Government $100 billion; that contains safety standards that do not exist even in the domestic drug supply; that will not pose risk but, in fact, reduces risk, reduces prices for the American people, provides fair pricing for American consumers? Will we be able to vote for that legislation that I and Senator MCCAIN, Senator GRASSLEY, Senator STABENOW, Senator KLOBUCHAR, and so many others have brought to the floor of the Senate? The answer is, yes; we are going to vote on that.

The question is, In the 7 days since I have offered this amendment, has the pharmaceutical industry been able to pry enough people away from this amendment because they are raising all kinds of issues of safety?

How many votes will we get? By the way, the side-by-side amendment is a killer amendment. We will have a second vote. A lot of people will say: We will vote for the Dorgan amendment and then vote to nullify it by voting for the Lautenberg amendment.

Let me read the AARP letter which was sent yesterday:

On behalf of the AARP's nearly 40 million members, we urge you to support the Dorgan-Snowe importation amendment to . . . H.R. 3590, the Senate health care reform legislation. This amendment provides for the safe, legal importation of lower-priced prescription drugs from abroad. CBO has scored the amendment as saving taxpayers more than $19 billion.

That is just for the Federal Government. There is much more for consumers.

We also urge you to vote against an alternative importation amendment proposed by Senators Lautenberg, Carper, and Menendez. AARP strongly opposes this amendment because it includes the unnecessary addition of a certification requirement which is simply a thinly veiled effort to undermine importation and preserve the status quo of high drug prices.

So there it is. We are always told this bill is a finely crafted piece; it is like embroidering with some sophisticated colors. This is a finely crafted piece and don't mess with it because if you adopt your amendment, somehow the whole thing is going to come apart. It is like pulling a thread on a cheap suit. You pull the thread and an arm falls off. God forbid anybody should adopt an amendment such as this.

Here we are 7 days after I offered this amendment, and we have a circumstance where we now have a side-by-side in order to try to nullify it. We have had all kinds of dealing going on. I have not been a part of it. I don't know what the deals are. I don't know what time they were consummated. Somebody told me late last night. I am like an old Senator who served long ago. I am not part of any deal. I am not part of it. This deal is for the American people.

We are going to pass some health care legislation, and then we are going to shuffle around with our hands in our pockets, maybe thumbing our suspenders, sticking out our shined shoes, and say: We did this all right. We feel really good about it, but we couldn't do a thing about prescription drug prices. We couldn't do that. We didn't have the support because the pharmaceutical industry wouldn't let us. Oh, really? Maybe at last—at long, long last—there will be sufficient friends on this vote on behalf of the American people to say: We stand with the consumer. We are standing with the American consumers today. We like the pharmaceutical industry. We want them to produce prescription drugs. We want them to make profits. We just don't want them to charge us 10 times, 5 times, 3 times, or double what is being charged others in the world for the identical prescription drug because we don't think it is fair to the American people.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 13½ minutes.

Mr. DORGAN. Mr. President, let me at this point yield the floor. I suggest the absence of a quorum. I don't know whether the Senator from New Jersey has other speakers. I believe we have a couple other speakers who will be here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the quorum call be charged against both sides.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Mr. President, there was an objection to having the time equally divided expressed by the Senator from Iowa before.

How much time is available on our side, Mr. President?

The PRESIDING OFFICER. The Senator from New Jersey has 7 minutes.

Mr. LAUTENBERG. Seven?

The PRESIDING OFFICER. Yes, 7 minutes.

Mr. LAUTENBERG. Mr. President, I, too, have people who want to speak to the issue. If we can equally divide the quorum call, that is all right with me. I have no objection.

Mr. DORGAN. I believe the quorum call will be momentary. We have people coming to speak. If not, I will take some additional time, as perhaps will the Senator from New Jersey. I suggest the absence of a quorum and ask unanimous consent that it be charged to all sides equally.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I did not speak about the letter from the Food and Drug Administration. My colleagues have described this letter, which I said could have come out of a copying machine. A similar letter has come each time we consider this legislation. It is interesting to me that we export a lot of American jobs. All kinds of jobs are leaving our country. Then we import contaminated wallboard, children's toys that kill kids. And, yes, that has happened. We import contaminated pet food and contaminated toothpaste. We import 85 percent of the seafood into this country every day—85 percent of the seafood—and 1 percent is inspected, by the way. One percent of that seafood is inspected. The rest is not.

We import fruits and vegetables. I am wondering if the Food and Drug Administration is sending letters around with concern about the risk to health of fruits and vegetables and seafoods that are not inspected.

In many places, these products are produced with insecticides and various things that would not be permitted in this country. I am wondering where the FDA's letter is with respect to that.

I called the Food and Drug Administration. I talked with the head of the FDA. I said: I understand there are rumors around that you are going to send a letter here. This was 24 hours before the letter came.

The head of the FDA said: I know nothing of such a letter.

My question is, Where did the letter come from? Who prompted the letter? I think I know.

I find it interesting, I don't see anybody at the FDA sending letters here about the issue of safety on fruits, vegetables, and fish. They raise the issue of safety with respect to a drug importation bill which has the most specific and the most rigorous safety standards not only for imported drugs but for the existing domestic drug supply, the kind of safety standards that the pharmaceutical industry has objected to for many years.

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

Mr. DORGAN. Of course, I will be happy to yield.

Mr. LAUTENBERG. I know Senator DORGAN very well. He is a man of great principle and skill, I might say. But I say the list of aberrations, the lack of care about the various products—the toys, wallboards, and food—I have had a great interest in those items. It is interesting that it is being suggested by the Senator from North Dakota that is an acceptable standard and we ought to go ahead and continue it.

Mr. DORGAN. The Senator is not asking a question. I yielded to the Senator for a question. If he would truncate it, I would appreciate it.

Mr. LAUTENBERG. The question is whether, if you think that casual standard for bringing in food and other products is acceptable—

Mr. DORGAN. Reclaiming my time.

Mr. LAUTENBERG.—therefore, we ought to do the same with drugs?

Mr. DORGAN. Reclaiming my time, the answer is self-evident by the question. Of course, we would benefit from stricter standards for fish, vegetables, and fruits. That was the point I was making. But what we have done with respect to importation of prescription drugs is we have included batch lots and pedigrees and tracers that do not exist in the existing drug supply. Why? The existing drug supply does not have those provisions because they have been objected to over the years by the pharmaceutical industry.

We have put in place procedures that will make this safe. You cannot say the same thing about fruits, vegetables, and seafood, unfortunately. A lot of work needs to be done there. But we do not bring a bill to the floor of the Senate, a bipartisan group of legislators, a bill that would in any way injure or provide problems with respect to safety.

What we do is bring to the floor of the Senate legislation that dramatically enhances the margin of safety for prescription drugs. But I understand, I understand completely. If I were trying to protect, and I were the drug industry trying to protect billions, boy, I understand the exertion of effort to try to protect that.

My only point is this: I have a beef with an industry that decides they are going to overcharge the American people, in some cases 10 times more, in some cases 5, double the price that is paid in other parts of the world for the identical drug. I don't think that is fair, and I don't think we should allow it to continue. The way to prevent it is to give the American people the freedom—every European has that freedom.

Let me end with how I began. For somebody to come out here and say this is about unregulated, untested drugs is absolute sheer nonsense. It is not. We do not have to debate what words mean and what words say. That is not a debate we ought to take time to have. All we have to do is read it and then represent it accurately, which has not been the case on the floor of the Senate, regrettably.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, is it the case when a quorum call is requested it is equally charged?

The PRESIDING OFFICER. No.

Mr. DORGAN. Mr. President, I ask unanimous consent that the quorum call be equally charged on both sides. I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. BAUCUS. Mr. President, I would like to remind us why we are here—health care reform—and why health care reform is so important. I would like to go through the costs of inaction, what the consequences are if we do not pass health care reform.

First of all, rising health care costs are wrecking the lives of Americans. In 2007, 62 percent of bankruptcies were due to medical costs. This legislation will help reduce the rate of growth of health care costs. In fact, the President's Council on Economic Advisers and the President just announced today or yesterday there will be a 1-percent reduction in national health care costs. CBO basically said this bill is deficit neutral, and it will have an effect on reducing health care costs. This bill will reduce health care costs.

A Harvard study found, in addition, when people do not have health insurance, they are more likely to be much more ill.

Harvard found every year in America lack of health insurance leads to 45,000 deaths. If Americans do not have health insurance, it leads to 45,000 deaths in our country. That is intolerable. How can we in the United States of America—we pride ourselves as the biggest, the strongest, the most moral country on the globe. How can we allow 45,000 deaths just because somebody does not have health insurance? People without health insurance have a 40-percent higher risk of death than those with private health insurance.

How does this bill affect Medicare? According to the CMS Actuary, Medicare is projected to go broke in about the year 2017. CMS has estimated this will actually extend solvency to the year 2026.

That is very important, Mr. President. It is an important message to seniors—that the Medicare trust fund solvency will be extended under this legislation for at least 9 more years, beyond 2017. I wish it were further, but that is a lot better than not extending solvency—extending solvency for that period of time.

The bill also would increase the percentage of people who have health insurance from about 83 percent to 94 percent. That, too, is no small matter.

Our legislation would reform the insurance market to protect those with preexisting conditions. It would prevent insurance companies from discriminating and capping coverage, and it would require insurance companies to renew policies as long as policyholders pay their premiums.

Let me just say a bit more, with a little more precision, about premium costs. The Centers for Medicare & Medicaid Services, the Office of the Actuary, confirmed this. They confirmed that this legislation will cover 33 million Americans who are currently uninsured and will do so while significantly reducing Medicare costs and Medicaid spending. Think of that. This legislation will cover 33 million Americans who are currently not covered at the same time reducing Medicare and Medicaid costs.

Don't take my word for it. That is the projection of the Chief Actuary of CMS. In addition, as I mentioned, the Chief Actuary says this will extend the life of the trust fund for 9 years.

Moreover, this legislation reduces the cost to seniors, to a family, by $300 by 2019. Medicare Part B premiums, according to the Actuary, will be $300 lower than it otherwise would be. The out-of-pocket costs would be, for a couple—I think it is roughly $400. That is a total of about a $700 reduction for a couple in 2019. So a reduction in Medicare Part B premium costs and a reduction in out-of-pocket costs.

Essentially, the Actuary concludes, and I will read the quote:

> The proposed reductions in Medicare payment updates for providers, the actions of the Independent Medicare Advisory Board, and the excise tax on high-cost employer-sponsored health insurance would have a significant downward impact on future health care cost growth rates.

Again, a ''significant downward impact on future health care cost growth rates.'' The Actuary says the bend in the cost curve is evident. The Actuary also concludes that in 2019 health expenditures are projected to rise by 7.2 percent with no change but 6.9 percent under the proposal. That is, under the proposal, health care costs will rise at a lower rate than they will if this legislation does not pass.

In addition, this report shows how health insurance costs for millions of Americans will reduce premiums by 14 to 20 percent for people in the individual market. Actually, that was the Congressional Budget Office that reached that conclusion and not the Actuary. The Congressional Budget Office has basically concluded that for 93 percent of Americans premiums will be lowered. For 93 percent of Americans premiums will be lower.

It is true that for those who are employed—the five-sixths of persons who now have health insurance—their premiums would not go down a heck of a lot, but they will start going down due to this legislation. For the 7 percent whose premiums are not reduced, they get a better deal. That 7 percent will have much higher quality health insurance than they now have, basically because of no more denial of care for preexisting conditions, market reform,

rating reform, no more rescissions, et cetera. So this is a very good deal.

I would like to say one word, too, on health care cost reduction. A lot of Senators have quoted an article by Dr. Gawande from The New Yorker magazine—I think it was dated June 2—explaining the phenomenon of geographic variations in this country and why health care costs are much higher in some parts of America and much lower in other parts of America, which is due mostly to the way we pay health care providers and doctors in the system, therefore explaining the basic reason there is so much waste in the American health care system.

Dr. Gawande published another article in The New Yorker a week or 2 ago, and in that article he basically says of all the ideas that have been suggested by economists, by practitioners, by providers, and people worried about the rise of health care costs in America, all of the ideas are in this legislation. They are all in here. All the ways to work to start to lower health care costs are in this legislation.

He also says the pilot projects and the demonstration projects in this legislation are good because you have to work a little bit, you have to experiment a little, you have to try this and try that to see where bundling works and see where it does not work. But the provisions are there.

We can all be quite confident that this administration is going to do its level best to make sure these projects work—that is the bundling, the moving toward quality as a basic reimbursement in the way of quantity. The administration is going to work very hard to make sure they work. I will say, too, as chairman of the Finance Committee, the committee of primary jurisdiction over these subjects, that we are going to have a lot of oversight hearings next year because it is very much in the interest of the American people to make sure this legislation works and works very well. Clearly, with aggressive oversight hearings next year we can help make sure that happens.

One other point. This bill represents a net tax cut, not a tax increase—a net tax cut for individuals, not a tax increase. Why do I say that? I say that because that is what the Joint Committee on Taxation says. What is the Joint Committee on Taxation? It is a committee, an organization in Washington that serves both the House and the Senate. It serves Republicans and Democrats. There is not one iota of partisanship in it. It is totally objective, very solid, very confident. They are the outfit we rely on when we write tax legislation.

Basically, they say by the year 2019, Americans will see a net tax cut of $40 billion, and that tax cut is equal to an average tax decrease of more than $440 per affected taxpayer. And for low- and middle-income taxpayers making less than $200,000, this cut is even greater. The average tax credit is equal to more than $640 per affected taxpayer in the year 2019.

To repeat: This bill, according to the Joint Committee on Taxation, is a net tax cut for individuals—a cut, not an increase but a cut—almost as great as the 2001 tax cut. Many of us know how great that was. This is the biggest tax cut since 2001—this legislation.

I also want to discuss a couple other points. A lot of people say: Well, gee, some of this does not take effect for several years. Let's go through what takes effect right away, in 2010. What are the provisions that take effect right away? I will read the list.

The first is—the fancy term is ''pools''—to help people with preexisting conditions get access to health insurance even before the actual denial of preexisting conditions kicks in. There is $5 billion of Federal support for higher risk pools providing affordable coverage to uninsured persons with preexisting conditions. That takes effect right away.

Second, reinsurance for retiree health benefit plans. Basically, that means there is immediate access to Federal reinsurance for employer plans providing coverage for early retirees—for ages between 55 and 64. Essentially, that means extra dollars are available for the outliers. That is a fancy term for saying the high-cost people in that age group—55 to 64.

In addition, we extend dependent coverage for young adults. Today, a young couple buys health insurance for themselves and their kids, and once the child is 21 there is no more health insurance. We raise that level to the age of 26 so that person can stay with the family and have the family's health insurance.

Moreover, this legislation requires that health insurers must provide prevention and wellness benefits but no deductibles and no cost-sharing requirements. That, too, will help quite a bit. That takes effect right away.

Moreover, right away, in 2010, the legislation prohibits insurers from imposing annual and lifetime caps. Not later but right away there is a prohibition against insurers from imposing annual lifetime dollar limits—a big problem today.

Moreover, right away, this legislation will stop insurers from nullifying or rescinding health insurance policies when claims are filed. Rescissions are a big problem today. In 2010, when this legislation passes, no more rescissions of health care policies.

Moreover, this legislation sets minimum standards for insurance overhead costs to ensure that most premium dollars are spent on health benefits, not costly administration or executive compensation and profits. We also require public disclosure of overhead and benefit spending and premium rebates. That is right away.

What about small business persons—small businessmen? This legislation offers tax credits to small businesses with low wages to make covering their workers more affordable. It takes effect in 2010, and credits of up to 50 percent of insurance premiums will be available to firms that choose to offer coverage.

I might also say there are stronger small business provisions, too, that I am quite certain will be in the managers' amendment. Greater incentives to the tune of about $12 billion to $13 billion for small businesses will be in this legislation and will also be in the managers' amendment.

Moreover, what will take effect next year, not later, is we have closed the coverage gap for the Medicare drug benefit. Basically, that means we have closed the doughnut hole—we are starting to close the doughnut hole. Seniors pay very high prices for brand-name drugs if they are in that so-called doughnut hole. We close it so that seniors don't have to pay those high prices anymore.

There is public access to comparable information, more transparency, and I could go on and on and on. There are many provisions which take effect right away and not at a later date.

Mr. President, I believe that debate is drawing to a conclusion on the four matters under consideration. We may be able to have votes as soon as 5:30.

I see my colleagues from Kansas and Iowa on the Senate floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to use 5 minutes of Senator MCCONNELL's time—the Republican leader's time.

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

Mr. BROWNBACK. Mr. President, I thank my colleagues for this opportunity to address the Lautenberg amendment and speak in favor of the Lautenberg amendment.

I oppose the base bill. I oppose the bill overall. I have spoken a number of times in opposition to the overall bill. It is way too expensive, it cuts Medicare, raises taxes, and inserts the funding of abortion, which is something we haven't looked at in 30 years. The Hyde language has not allowed funding of abortion, and instead this does and puts it in, and I think it will result in poorer health care for a number of Americans.

But the issue I rise on today is on the Lautenberg amendment, and in support of the Lautenberg amendment. This is an amendment we have seen in this body four times previously over the last 10 years. Each time the Lautenberg amendment has passed overwhelmingly, and that is because of the safety concerns for drugs coming into the United States.

I would note that Secretary Sebelius, Secretary of HHS—Health and Human Services—who before being named to this position was the Governor of the State of Kansas for 6 years, with whom I worked over the years, through her office has stated they cannot basically certify the safety of these drugs.

There is a letter that has been gone over in some depth and length from the Food and Drug Commissioner saying that it is going to be very difficult for them to certify the safety of these drugs. Yet what the Lautenberg amendment does is it says: OK, if you can certify safety, and this is going to reduce the price, then they can be admitted.

That seems to make sense. That is why 4 times over the last 10 years this body has passed the Lautenberg amendment, or an equivalent, and I think that is appropriate.

I would also note there is a huge industry in the United States—the pharmaceutical industry—that is quite concerned about the safety and efficacy of what this bill would do in not allowing the safety of the drugs if you don't pass a Lautenberg amendment. They are very concerned about that. And toward that regard, I will read pieces of a letter sent to me by Kansas Bio. It is the Kansas Biosciences Organization. They sent this letter to me saying:

On behalf of the members of Kansas Bio, please accept this letter in opposition to Senator Dorgan's drug importation amendment to the health care reform legislation which may be voted on by the Senate. We believe that the promotion of drug importation is an extremely risky endeavor which threatens the livelihood of one of Kansas' fastest growing bioscience industry sectors—the service providers to our Nation's and our world's drug development and delivery companies.

KansasBio is an industry organization representing over 150 bioscience companies, academic institutions, State affiliates, and related economic development organizations in the State of Kansas, throughout the Kansas City region. . . . Senator DORGAN's amendment opens up the risk of allowing foreign drugs that do not have FDA approval into the United States and thereby posing significant health and safety risks to the patients.

It is signed by the president and CEO, Angela Kreps, of KansasBio.

I am ranking member on the Senate Appropriations Subcommittee on Agriculture, Rural Development, and the Food and Drug Administration, so I am keenly interested in the committee structure in this issue.

In addition, the University of Kansas in my State, in addition to having the top-ranked basketball team in the country, has the top-ranked pharmaceutical school in the country. They are a part of KansasBio and concerned about the Dorgan amendment in place. That is why they support things like the Lautenberg amendment which assure two things: that you have safety and that any value in this proposal is passed along to the consumer.

The FDA has been tasked with the responsibility of safeguarding this country's prescription drug supply and has executed that responsibility, I believe, quite well. It would be unwise for this body, then, to not value their opinions in regard to this matter. The Lautenberg amendment counts on the FDA expertise and proven track record and permits legal importation of prescription drugs into the United States only if Secretary of Health and Human Services, Secretary Sebelius in this administration, as head of the FDA, can certify to Congress that prescription drug importation will do two things: No. 1, pose no additional risk to the public health and safety; and, No. 2, result in a significant reduction in the cost of covered products to the American consumer. The safety and cost savings certification amendment would restore this language.

The Lautenberg amendment does that. This Congress must require a safety and cost savings certification from the Secretary of HHS before opening the floodgates of drug importation. Requiring this certification is the responsible way to ensure that American citizens will be protected from potentially life-threatening counterfeit, contaminated, or diluted prescription drugs.

As I mentioned, the Senate has voted on this previously four times, each time overwhelmingly adopting something like the Lautenberg amendment. As many of my colleagues may remember, the safety and cost savings certification was first signed into law when the Senate passed the Medicine Equity and Drug Safety Act of 2000. During that debate, concerns were raised by many in this body that drug importation would expose Americans to counterfeit and polluted prescription drugs. To alleviate these well-documented fears, the Senate passed this second-degree amendment then unanimously.

To date, as noted earlier, no HHS Secretary has been able to certify that drug importation will not pose a significant health and safety threat. For those reasons, I support the Lautenberg amendment.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I think we have some time available. I wish to continue with some remarks. I thank the Senator from Kansas for his remarks and his concern also about the efficacy and the safety of drugs that might reach our citizens.

I listened carefully to the remarks of my colleague from North Dakota. He said the principal focus of our amendment is to protect the profits of the drug companies. No, I want to protect the health and well-being of American citizens. I look at an industry that has prolonged life expectancy, has made life more productive and pleasant for many whose disabilities may have them imprisoned in their homes.

We look at what has happened over the years, where treatment for conditions such as malaria, polio, smallpox were discovered, and antibiotics and chemotherapy have continued to be developed, primarily by American drug companies. Those are the companies that have the reputation for bringing the best products to market, the most carefully scrutinized, and most effective. What I want is for those companies to continue to be developing drugs that will extend wellness and will continue to improve longevity. I want these products to be available more reasonably, more cheaply—more affordably.

I had an experience in my life—people have heard me talk about this at times—whereby my father got cancer, was disabled with cancer when he was 42 years old. Our family was virtually bankrupt as a result of the cost for drugs and hospital services and physicians, so I know how costly they are. My father had cancer then, and I have seen what has happened now, with the opportunities for some optimism in situations where cancer develops. We are looking to make these drugs more available, more affordable.

The thing that strikes me, as we review where we are in the development of a new health plan or a reform of the existing health programs, and I hear the criticism coming from people who have indicated they do not support more available health products, I think about what happens when votes come about that move the health care bill along. There is absolute obstinacy that prevails with many of our friends on the Republican side.

I look at what good, proper products can do and the hope we have for childhood diseases that are so painful to see. We look for improvements in those—whether it is autism or diabetes or other conditions. We want desperately for companies in this country of ours to continue to develop drugs to treat them—or companies anywhere. But when they come to this country we have to know they are safe because there is nothing that can excuse the sacrifice of safety, for whatever discounts you might get on the product, products that, as has been noted, can kill you if they are the wrong formula or contaminated product.

Our differences between the Dorgan and Lautenberg amendments boil down to one word: safety. Knowing that when you open the bottle, that when you take the liquid, you are not doing something or your children or your loved ones are not doing something that harms their health. We owe them that feeling of security and comfort as they try to cure themselves from sickness or disease. That is what we are looking at here. I hope my colleagues will stand up and say no, don't let these products come in without the tightest scrutiny that can be developed; without the most secure process of production and shipment that can be exercised.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask how many minutes I have remaining.

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. BAUCUS. I yield 5 minutes to my good friend from Iowa who I think is

going to be speaking against my position but he is a good fellow so I think he should have 5 minutes.

Mr. GRASSLEY. This is typical of the comity of the Senate. I thank my good friend for doing that. I have a little different view on some of the things he said about taxes here. I respect him giving me some time because we don't have time on this side. It is nice, his doing that.

Republicans and Democrats are working off of the same data provided by the Joint Committee on Taxation. For some reason my friends on the other side of the aisle seem to want to read this data selectively, so I wish to look at this data. I want to stress this data is from the nonpartisan Joint Committee on Taxation. They are experts. They are nonpolitical people who tell it like it is.

My friends on the other side are correct in one thing: This bill provides a tax benefit to a small group of Americans. You can see right here that this benefit is to the people here where the minus sign is in front of the numbers. These numbers are in white.

As I pointed out previously, when you see a negative number on this chart, the Joint Committee on Taxation is telling us these people are receiving a tax benefit. This income category—the income categories where you see these negative numbers begin at zero and stretch to $50,000 for individuals and $75,000 for families. That will be $50,000 to $75,000. I give my Democratic friends credit for being right on this part of the data. But I want to show you where I disagree with them and their choosing to overlook other parts of the data, the data I will soon refer to here on this chart.

When we see negative numbers on this chart, as I have said, the Joint Committee on Taxation is telling us that there is a tax benefit. So, conversely, where there are positive numbers—this will be an example of positive numbers—the Joint Committee on Taxation is telling us these taxpayers are seeing a tax increase. Those numbers I have already pointed to begin at $50,000 for an individual and go up to $200,000 for an individual.

When we see a positive number, then, it is the reverse. The Joint Committee on Taxation is telling us these taxpayers are in fact seeing tax increases. So if we see positive numbers for individuals making more than $50,000 and we see positive numbers for families making more than $75,000, it is just this simple: We know these people's taxes are going to go up.

The Joint Committee on Taxation is telling us that taxes for these individuals, once again, for a third time, will go up under this 2,074-page Reid bill.

These individuals and families are making less than $200,000. What is significant about less than $200,000 is that this violates what the President promised in his campaign, that individuals who are middle class, under $200,000, are not going to see one dime of tax increase.

To come to any different conclusion is saying that the data on this chart—and of course the professionals at the Joint Committee on Taxation—both are wrong. To come to any different conclusion is saying the chart produced by the Joint Committee on Taxation is wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. How much time remains?

The PRESIDING OFFICER. There is 11 minutes.

Mr. BAUCUS. On this side? Does anyone have remaining time?

The PRESIDING OFFICER. The Senator from Idaho has 3 minutes. The Republican leader has 3½ minutes. The Senator from North Dakota has 7½ minutes. The Senator from New Jersey has 1 minute.

Mr. BAUCUS. Mr. President, I yield myself 5 minutes.

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

Mr. BAUCUS. I would like to make it clear, essentially this legislation does several things. This is the core part of this legislation. What is it? First, this legislation very significantly reforms the health insurance industry, especially for people who individually buy insurance and also for people who buy for a small company and even buy insurance for a large company. It is insurance market reform. It stops insurance companies from, frankly, undertaking practices which are un-American; that is, denying people coverage based on preexisting conditions, denying them health insurance because they have some kind of preexisting something—that is ridiculous—or saying: You can't have health insurance because you have some other health care status or saying: Sure, we will give you a policy, then a month, 2 months later, rescind it willy-nilly or putting in restrictive limits on what the company will pay during your lifetime or what the company might pay in health insurance benefits for a year.

In addition, this legislation reforms what are called rating provisions that States have. States basically allow companies to charge whatever they want, if you are a little older compared to if you are younger, if you are a woman compared to a man. There are lots of different ways States allow insurance companies to charge based upon different categories. So, No. 1, insurance market reform. This legislation stops some outrageous practices that insurance companies practice today.

No. 2, this legislation begins to get control over health care costs. We have to start to get control over health care costs. This legislation does so. It also is deficit neutral. It does not cost one thin dime for us to enact this legislation. It is all paid for. It provides health insurance coverage. About 31 million Americans who currently do not have health insurance will have health insurance, if this legislation passes. I don't have to remind my colleagues of the importance of health insurance. Insurance market reform that lowers the cost of health care in this country, provides full coverage and, equally important, begins to put in place delivery system reforms. That is kind of wonkish, but it is one of the most important parts of this bill, starting to change the way we pay doctors and hospitals, pay based more on quality rather than quantity, start putting into effect different systems that sound kind of wonkish but will be important over 3, 4, 5 years. It is bundling, group homes. It is lowering the practice of hospitals that readmit too quickly after a patient is discharged.

There are so many reforms here. I strongly urge everyone to keep their eye on the ball. Insurance market reform in this legislation, lowering costs in this legislation, lowering taxes in this legislation, insurance coverage for 31 million Americans who today do not have it, and starting to put in place payment reforms which will help get this country on the right path so, after several years, we have a health care system we are all proud of, one that gets rid of all the waste we have in the country today. We pay $2.5 trillion a year in health care, about half public and half private. People who study this say we waste as much as $800 billion a year—not million, billion—in fraud, waste, dollars that don't go directly to health care. This legislation starts to get a handle on that. It stops all the waste. You get a better handle on fraud so after 2 or 3 years, we will have something we are very proud of. Let us remind ourselves, again, if we don't pass this legislation, we will rue the day we didn't because we will have to start all over again, 2 or 3 or 4 or 5 years from now, and the problem will be much worse. The cost for families is going to be much greater, the cost to American businesses much greater. Our budgets are going to be in much worse shape, Medicare and Medicaid. This legislation extends the solvency of the Medicare trust fund for another 9 years.

Remember the bottom line, remember the basics. Let's not get too caught up in the details of the weeds and get distracted by a lot of stuff that is not the core of this bill. The provisions I outlined are compelling reasons why this legislation must pass and why it would be so good for America.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. I ask unanimous consent to use the remainder of my time as well as that of the Republican leader.

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

Mr. CRAPO. Mr. President, I would like to respond to a couple of the points made about whether this bill truly does address what the American people are asking it to address. If you ask most people in America what they want out of health care reform—and

they do want reform—they will tell you they want to see control of the skyrocketing cost of health care, particularly the cost of insurance premiums. They would like to see increased access to quality medical care. It has been said a number of times by the proponents of this legislation that this bill accomplishes those objectives, but let's look at exactly what the Congressional Budget Office has told us on the core issue; namely, what is going to happen to your insurance premiums if this bill is passed.

What the Congressional Budget Office very clearly said, which is also backed by 7, 8, 9 or 10 other studies from the private sector as well as the Joint Committee on Taxation and backed by the Chief Actuary for the Center for Medicare and Medicaid Services, is that for at least 30 percent and the most vulnerable people in America, if you are looking at whether your insurance premiums are going to go up or down, they are going to go up, not down. If you are a member of the 17 percent of Americans who get your insurance in the individual market, your insurance is going to go way up. In fact, it is going to go up by as much as 10 to 13 percent in addition to what it would have gone up without the bill. If you are someone who gets your business from small groups, from a small group market, your insurance costs are going to go up from 1 to 3 percent. If you are one of the Americans who is able to get your insurance in the large group market, then you can basically expect that the bill will have no significant impact on you. There is a possibility of a slight reduction, but the potential is, it is going to have no impact at all.

What does the bill do? For 17 percent of Americans in the individual market and for 13 percent of Americans in the small group market, it clearly makes your health care premiums go up. For those who are in the remainder of the market, it basically doesn't achieve the objective of health care reform—and at what price? We often hear we need to bend down the cost curve. As I have indicated, this legislation doesn't bend down the cost curve Americans are talking about; namely, the price of their health care or their health insurance. What does it do with regard to the Federal Government? It is going to increase the cost to the Federal Government on health care by $2.5 trillion in a massive new entitlement program. So that price curve is not bent down.

Then what are we left with? Some say the deficit will go down under this bill. There is only one way the deficit can go down under this bill; that is, if you take away the budget gimmicks, massive tax increases, and massive Medicare cuts. But I will just talk about the budget gimmicks because of a lack of time. The spending side of this bill is delayed for 4 years. The taxing and cutting Medicare side of the bill is implemented on day one. So we have 10 years of tax increases to offset 6 years of spending. I think that is the way the number was reached. You have to figure out how many years to delay the spending start before you can say there was a deficit-neutral bill. The reality is, this bill doesn't deal with any of those spending curves.

The matter we will be voting on in a few minutes is my motion that would address the tax side of the bill. All it says is: Let's change the bill to comply with the President's promise; namely, that people making less than $200,000 a year or $250,000 as a couple would not pay more taxes. What we found from the Joint Tax Committee is, 73 million Americans in that category will pay more taxes. In fact, it is not 73 million Americans, it is 73 million American households who will pay more taxes and see a tax increase under this bill and not just a small one. It is massive, hundreds of billions of dollars of new taxes that will be imposed by this bill.

In response, the proponents of this bill say: But this bill is a tax cut. The only way they can say this bill is a tax cut is by looking at the subsidy that is going to be provided as a tax cut. It is called a refundable tax credit, although three-fourths of it, 73 percent to be accurate, goes to people who do not pay taxes. Yet it is called tax relief because it is administered through the Tax Code and is described as a refundable tax credit. The CBO gets this and Americans get it. The Congressional Budget Office says these aren't tax cuts. This is spending, and it is scored that way by the CBO as it analyzes the bill. The only way you can say this bill involves these kinds of tax cuts is if you say that a provision that will simply result in the payment of a check by the Federal Government to an individual who has no tax liability to assist them with their health care costs is a tax cut. Let's accept that.

Even in that case, only 7 percent of Americans qualify for that subsidy, and the rest qualify for the tax increases. To say the President's promise was that I will not cut your taxes more or I will not increase your taxes more than I will cut someone else's taxes and, by the way, I will call a direct subsidy a tax cut, is not exactly what I think the President meant. It is not what the American people thought he meant when he said Americans making less than $200,000 or $250,000 as a family would not pay more taxes under this bill.

My proposal simply says send this bill back to the Finance Committee. They can turn it around quickly, if they want to. Have them take out the provisions that violate the President's pledge on taxes.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I yield 3 minutes to the Senator from Ohio.

Mr. BROWN. Mr. President, I rise in support of the Dorgan amendment on reimportation. This is not about importing drugs from China or India or Mexico, where drug safety standards are not up to par. Although American companies have outsourced a lot of their manufacturing to those countries and found a lot of problems with the ingredients they import into American drugs, that is not the issue. That underscores the hypocrisy of U.S. drug companies in opposing the Dorgan amendment.

This is about importing drugs from countries such as Canada and Germany and Australia and New Zealand and Japan, countries with highly developed drug safety regimes. Patients in England and France and Germany and New Zealand and Canada have the same protections we do. I have been in drugstores in Canada just 2 hours from Toledo, less than that, and you see the same drug and the same dosage, the same packaging, the same company making them. In Canada, it is 35 to 55 percent lower than in the United States. One drug, the cholesterol-lowering drug Lipitor, is $33 in Canada, $53 in France, $48 in Germany, $63 in the Netherlands, $32 in Spain, $40 in the United Kingdom. Same packaging, same company, same dosage, same drug is $125 in the United States We pay more, even though, in most cases, these drugs are either manufactured in the United States or developed, in some cases, by U.S. taxpayers, developed certainly in the United States for Americans, but we pay two and three times more.

A 2009 Consumer Reports survey found that due to high drug prices, one out of six consumers failed to fill a prescription, one out of six consumers skipped doses.

Mr. President, 23 percent of consumers cut back on groceries. They choose between do I get my groceries or pay for this drug? Consumer after consumer will cut their pill in half and take one part today and one part the next day, which is not what their doctor says they should do. We know this is not good for Americans' health. We know this is not good for Americans' pocketbooks. We know this is not good for taxpayers. It is not good for small business. It is not good for big business, large American companies that are paying the freight, that are paying these costs. American consumers and taxpayers and businesses are suffering from these high costs.

Pharmaceutical companies hike up prices, rake in massive profits. They are one of the three most profitable industries in this Nation and have been for decades. The pharmaceutical industry, in 2008, recorded sales in excess of $300 billion, with a 19-percent profit margin. This is in a bad year—a bad year for most of us in this country, in 2008. In the last year alone, the brand-name prescription drug industry raised their prices by more than 9 percent.

I ask my colleagues to support the Dorgan amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 6 p.m. today, the Senate proceed to vote in relation to the amendments and motion specified in the order of December 14 regarding H.R. 3590; that prior to each vote, there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each; further, that all provisions of the December 14 order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, some issues we deal with here in the Senate are unbelievably complicated. This one is not. This is painfully simple, the question of whether the American people should be charged and continue paying the highest prices in the world for brand-name prescription drugs—my amendment says no—from other countries in which there is a safe chain of custody that is identical to ours. The American people ought to have the freedom to shop for those lower priced FDA-approved drugs that are sold there at a fraction of the price.

I especially wish to thank Senator BEGICH from Alaska for his work. This is bipartisan, with a broad number of Democrats and Republicans working on this importation of prescription drugs bill, giving the American people the freedom to acquire lower priced drugs. Senator BEGICH has been a significant part of that effort. I want to say thanks to him for his work on this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, if I could ask a question of the Senator from North Dakota.

I say to the Senator, I appreciate his comments, and I think he is right. Of all the complexity of this bill, this seems so simple. I know when I was mayor, we worked on this issue. It seems logical for Alaska. Since we border so much of Canada, it seems logical to do what we can in this arena.

I know the Senator stated these comments before, but I think it is important for especially my viewers who are now watching from Alaska, with the 4-hour difference. But the Senator talked about the savings. There are savings to the taxpayers that are very clear, and there are savings to the consumer, which is even more significant. Can the Senator remind me what those numbers are? I think I have them. I want to be sure, as I talk about this bill.

Mr. DORGAN. Mr. President, this amendment will save $100 billion in 10 years, nearly $20 billion for the Federal Government and nearly $80 billion for the American consumers.

Mr. BEGICH. That is what this health care bill is about, not only getting good-quality care but also finding those opportunities, as we just heard one Senator talk about, bending that cost curve—I hate that term—but it is impacting the consumers in a positive way by $80 billion.

The other thing I have heard a lot about on the floor—and the Senator talked quickly about it—is the chain of control, which I drove here for 19 days with my family through Canada, and 5 days we bought some drugs when I had a cold, but I am still here. I am standing. I am healthy. Remind me of that chain of control for these drugs and where they are produced.

Mr. DORGAN. I would say to the Senator from Alaska, these prescription drugs would be able to be reimported from Australia, New Zealand, Japan, and the European countries that have identical chains of custody to our chain of custody so that there is safety.

It is also the case that we are in politics, so the floor of the Senate is the place of a lot of tall tales. I understand that. I have been in politics for a long time.

Mr. BEGICH. Yes, I have learned that as a new Member.

Mr. DORGAN. But early on, one of my colleagues said this is about untested, unregulated drugs coming from, oh, parts of the Soviet Union. That is so unbelievable. It is not describing the amendment I have offered. We are talking about a chain of custody that is identical to the United States. When that is the case—if it is the case—why would the American people not have the freedom to acquire that same drug when it is sold at one-tenth the price, one-fifth, one-third, or one-half the price? Why not give the American people that freedom?

Mr. BEGICH. The Senator from North Dakota and I have just one last question. Even though we did not ask for a colloquy, this is kind of a colloquy, and I appreciate the back-and-forth.

This is one reason I support this bill—not only today but many months ago—for all the reasons the Senator just laid out. The control is there. The protection to the consumer is there. The savings to the consumer and the taxpayer are enormous, as we deal with these issues. If there is one thing I have heard over and over through e-mails and correspondence to my office, it is: Help us save on prescription drugs.

To emphasize that point once more, to make sure I have the numbers right, over 10 years, between the Federal Government and the consumer, it is over $100 billion.

Mr. DORGAN. Mr. President, the savings is over $100 billion. Look, I want the pharmaceutical industry to do well, to make profits, to make prescription drugs. I just want fair pricing for the American people. I do not have a beef with the industry. I want them to do well. I want them, however, to give the American people a fair price because we are paying the highest prices in the world for brand-name prescription drugs, and I think it is flat out unfair. This amendment will fix that.

There is a competing amendment that nullifies it, that simply says all this is going to go away and we are done with this bill and nothing has happened to put the brakes on prescription drug prices.

I hope my colleagues will stand with me and with the American people saying: We support fair drug prices for the American people. That is what we are going to vote on in a few minutes.

I appreciate the questions from the Senator from Alaska.

Mr. BEGICH. Thank you, Mr. President. And I thank the Senator from North Dakota for allowing me these questions and again clarifying for my residents in Alaska how important this bill is. Thank you.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, parliamentary inquiry: The order that was just entered provided for 2 minutes, equally divided, before, I suppose, the vote on each of the amendments. Is that in addition to or is that a part of the time that has been allocated to Senators?

The PRESIDING OFFICER. In addition to.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana has 5 minutes remaining.

Mr. BAUCUS. So, Mr. President, if the Senator from Montana wishes to speak on his amendment, he has 5 minutes, plus 2 minutes.

The PRESIDING OFFICER. Five minutes plus 1 minute.

Mr. BAUCUS. Excuse me. The time is equally divided. Thank you.

Mr. President, I just want to make it as clear as I can that the Congressional Budget Office essentially says that premiums will go down for about 93 percent of Americans. I say that because I think my good friend from Idaho was leaving a different impression.

But let me just summarize what CBO says. I would put a chart that CBO provided in the RECORD, but under the Senate rules we cannot put charts in the RECORD. So I am just going to summarize what this chart says.

OK. Seventy percent of Americans will get their health insurance in what is called the large group market. That is people who work for larger employers—70 percent. CBO said for that 70 percent of Americans, premiums will go down a little bit. It will be about a 3-percent reduction in premiums.

The next group of Americans getting health insurance are in what is called the small group market. Those are people in small companies, small businesses, primarily. That is where 13 percent of Americans get their insurance. CBO says for that 13 percent, maybe the premiums will go up between 1 percent or down 2 percentage points overall. But for those folks, those small businesspeople who get tax credits—

and there are some very significant tax credits in this bill, and I think it will be even more significant when the managers' amendment is out—CBO says, even with modest tax credits, those premiums will go down 8 to 11 percent.

That is, for 13 percent of Americans who have insurance, their premiums will go down 8 to 11 percent, among those who have credits.

Let's look at what is called the nongroup market, the individual market. That is 17 percent of Americans. For those folks, if you compare their current insurance with what they will have in the future, those premiums will go down 14 to 20 percent—down 14 to 20 percent—according to CBO.

In addition, though, CBO says that persons who have tax credits—we are talking now about the individual market—those people will find, on average, their premiums will go down 56 to 59 percent. Remember, 17 percent of Americans buy insurance individually. Of that 17 percent, 10 percent, because of tax credits in this bill, will find their premiums go down 56 to 59 percent.

The 7 percent that are remaining—remember I started off by saying for 93 percent, there will be a reduction. The 7 percent remaining will find that because of better benefits, their premiums will go up 10 to 13 percent, but they will have a lot better benefits. They will have a lot higher quality insurance than they have today. Frankly, my judgment is, the higher quality insurance they have, because of this legislation, will outweigh the increase in the premiums.

But anyway, for 93 percent, premiums will go down.

AMENDMENT NO. 3183

Mr. President, let me speak a little bit on my amendment which, as I understand it, is going to be the first amendment voted on.

I remind my colleagues that the underlying legislation is a tax cut bill. It cuts taxes. It cuts taxes very significantly. Over the next 10 years, for example, this bill will provide Americans with a $441 billion tax cut to buy health insurance—$441 billion in tax credits to buy health insurance. Credits are tax reductions.

In the year 2017, taxpayers who earn between $20,000 and $30,000 a year will see an average tax cut of nearly 37 percent. These are people who have a hard time making ends meet. People who earn between $20,000 and $30,000 will see an average tax cut of 37 percent. That is according to the Joint Committee on Taxation.

In addition, 2 years later, the average taxpayer making less than $75,000 a year will receive a tax credit of $1,500. Just to repeat, the average taxpayer making less than $75,000 a year will receive a tax reduction—a tax credit—of more than $1,500.

The Crapo motion to commit is really an attempt to kill health care reform. It is, thus, a plan to keep Americans from getting these tax cuts. I think we want Americans to get these tax cuts. If the Crapo motion is successful, Americans will not get any of these tax cuts. We want them to. The underlying bill gives Americans these tax cuts. Therefore, I think we should reject this procedural maneuver designed to kill the tax cuts in this health care bill.

That is what my side-by-side amendment says—that is going to be the first amendment voted on—and that is, let's vote to keep our current tax cuts. I urge a positive vote on my amendment and a ''no'' vote on the Crapo motion, which eliminates the tax cuts, which is not what I think most Americans want. So I urge my colleagues to vote for the side-by-side amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote on the Baucus amendment.

Who yields time?

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the legislation that we are discussing today, the Patient Protection and Affordable Care Act, could have a profound impact on the United States for decades to come. I am especially concerned about the tax implications of the legislation. We need to take a thorough look at these tax provisions before approving this legislation.

It is plain to see that if you have insurance, you get taxed; if you don't have insurance, you get taxed; if you need prescription drugs, you get taxed; if you need a medical device, you get taxed; if you have high out-of-pocket health expenses, you get taxed. Everyone gets taxed under this proposal.

This legislation also changes the core principle of Social Security and Medicare financing, a model called ''social insurance.'' Since Social Security was created in the 1930s and the Medicare Program in 1965, payroll tax revenues have been dedicated to financing these programs. In current tax law, all funding from the Medicare payroll tax finances the Medicare Program. This legislation proposes to increase the hospital insurance portion of the payroll tax on wages from 1.45 percent to 1.95 percent and uses the revenues to fund programs outside of Medicare. If this proposal becomes law, future Congresses will have the ability to take payroll tax revenues and use them for highways or defense or other nonsocial insurance spending. This will be a serious precedent, a long-term game-changer in how we finance our government, and I do not think it is wise to do this today.

Additionally, individuals who fail to maintain government-approved health insurance coverage would be subject to a penalty of up to $2,250 in 2016. This individual mandate tax is regressive and will largely be strapped on the backs of those who can least afford such a penalty.

Analysis by the Joint Committee on Taxation reveals that while a relatively small group of middle-class individuals, families, and single parents may benefit under this bill, a much larger group of middle-class individuals, families and single parents will be disadvantaged. According to the analysis by the Joint Committee on Tax, this legislation increases taxes by a 3 to 1 ratio on people making less than $200,000 a year, in other words for every one individual or family that gets the tax credit, three middle-income individuals and families are taxed. Roughly 42 million individuals and families, or 25 percent of all tax returns under $200,000 will, on average, pay higher taxes under this bill, even with the tax credits factored in.

There are only about 17,000 Mississippi tax filers who earn more than $200,000, so we are looking at over 2.5 million people who earn less than $200,000 and could easily be forced to pay higher taxes. This legislation will affect a large majority of our tax base.

Tax spending as proposed in the legislation before us provides credits for health insurance to individuals and families between 100 percent and 400 percent of the Federal poverty level, FPL. For example, a family at 100 percent of the Federal poverty level can pay no more than 2 percent of their income on premiums, and the government would pick up the rest of the cost. Although this furthers the goal of trying to get everyone insured, only 7 percent of Americans will be eligible for a tax credit and 91 percent of Americans will experience an increase in taxes. This hardly seems like a solution.

The health care industry, including many small businesses in my state, would be subject to fees imposed by this legislation. Health insurance companies that administer a self-insured policy on behalf of employers would be subject to fees imposed on the industry. This $6.7 billion annual fee will undoubtedly be passed on to consumers.

This legislation imposes a nondeductible $2.3 billion fee on manufacturers of prescription drugs, which is an example of yet another fee that will be passed on to consumers.

Medical device manufacturers will be on the hook for $2 billion in annual fees. Again, this will be passed on to consumers.

Of additional concern is the ''free-rider'' penalty for employers with more than 50 employees that do not offer health insurance coverage. These employers would be required to pay a fee for each employee. Businesses that pay any amount greater than $600 to corporate providers of services would have to file an information report with the IRS, adding further regulatory burdens on business and on an agency that does not traditionally deal in health care.

According to a recent study, taxes in this proposal will place approximately 5.2 million low-income workers at risk of losing their jobs or having their hours reduced. An additional 10.2 million workers could see lower wages and

reduced benefits. Why would we want to put people at risk of losing their jobs? A small business owner in my State told me that 8 percent of his income goes to pay for health insurance for his employees. If this amount is increased, he will be forced to reduce the size of his staff. Why would we want to hurt small businesses at a time like this?

We all remember President Obama's campaign promise that he would not raise taxes on families earning less than $250,000 a year. The Joint Committee on Taxation conducted an analysis that shows that in 2019—when the bill is in full effect—on average individuals making over $50,000 and families making over $75,000 would have seen their taxes go up under this legislation. In other words, 42 million individuals and families earning less than $200,000 would pay higher taxes.

Arguably millions more middle-class families and individuals could be hit with a tax increase from the health care industry ''fees'' or taxes proposed. According to testimony of the Congressional Budget Office before the Senate Finance Committee, these fees would be passed through to health care consumers and would increase health insurance premiums and prices for health care-related products. If the President signs this legislation in its current form, he would break his pledge not to raise taxes on people making less than $250,000 a year.

My distinguished friend from Idaho, Senator CRAPO, offered an amendment in the Senate Finance Committee markup providing that ''no tax, fee or penalty imposed by this legislation shall be applied to any individual earning less than $200,000 per year or any couple earning less than $250,000 per year.'' The amendment was rejected.

Small businesses in my State do not support this legislation. With unemployment at a 26-year high and small business owners struggling to simply keep their doors open, this kind of reform is not what we need to encourage small businesses to thrive. Small businesses need reform that will lower insurance costs. They need a bill that will decrease the overall cost of doing business. If a bill increases the cost of doing business or fails to reduce costs, then the bill fails to meet its intended goal of reigning in health care costs.

I would submit that the bill fails to lower national health expenditures; it fails to lower the amount of money the federal government spends on health care; and it does not bend the cost curve of rapidly increasing national health care costs. If we were running a large company, this would be an unsuccessful business proposal.

In Mississippi, we could insure a majority of the uninsured if we enrolled all eligible children in the State Children's Health Insurance Program: If more small businesses offered health insurance, and if people who could afford health insurance purchased health insurance, this would be reform.

Mr. President, I would like to see our Nation's health system reformed, but these reforms cannot be on the backs of individuals and businesses that we need to succeed. Reform should not add to the already high costs of doing business.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I will just take 1 minute on this, and then I think we will probably be ready to vote.

Again, I think there are two contrasting amendments here. The Senator from Montana has indicated that my motion, which would simply ask the Finance Committee to make this bill comply with the President's pledge, would somehow kill the bill—that is not at all true—and, secondly, that it would stop the tax relief in the bill that the Senator from Montana has identified, the refundable tax credits. The bottom line is, my amendment does not even address the refundable tax credits. They remain in the bill.

All my amendment does is say: Let's have the President's pledge to the American people honored in this legislation. Let's take out the taxes that 73 million American households will pay under this legislation—hundreds of billions of dollars of new taxes.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Madam President, essentially, the Crapo motion to commit the underlying bill, the pending bill, is to the Finance Committee to take out all the tax cuts. That is what it is, so I oppose it.

I urge Senators to vote for my amendment, which is a sense of the Senate that the Senate should reject such procedural motions, basically, because we want to keep the tax cuts that are in this bill.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

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.

Mr. KYL. The following Senator is necessarily absent: the Senator from Indiana (Mr. LUGAR).

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

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 375 Leg.]

YEAS—97

Akaka	Begich	Boxer
Alexander	Bennet	Brown
Barrasso	Bennett	Brownback
Baucus	Bingaman	Bunning
Bayh	Bond	Burr
Burris	Hatch	Nelson (FL)
Cantwell	Hutchison	Pryor
Cardin	Inhofe	Reed
Carper	Inouye	Reid
Casey	Isakson	Risch
Chambliss	Johanns	Roberts
Coburn	Johnson	Rockefeller
Cochran	Kaufman	Sanders
Collins	Kerry	Schumer
Conrad	Kirk	Sessions
Corker	Klobuchar	Shaheen
Cornyn	Kohl	Shelby
Crapo	Kyl	Snowe
DeMint	Landrieu	Specter
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Tester
Durbin	LeMieux	Thune
Ensign	Levin	Udall (CO)
Enzi	Lieberman	Udall (NM)
Feingold	Lincoln	Vitter
Feinstein	McCain	Voinovich
Franken	McCaskill	Warner
Gillibrand	McConnell	Webb
Graham	Menendez	Whitehouse
Grassley	Merkley	Wicker
Gregg	Mikulski	Wyden
Hagan	Murkowski	
Harkin	Murray	

NAYS—1

Nelson (NE)

NOT VOTING—2

Byrd Lugar

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 1.

Under the previous order, requiring 60 votes for the adoption of the amendment, amendment No. 3183 is agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

MOTION TO COMMIT

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to the Crapo motion to commit.

Mr. CRAPO. Madam President, this is a very simple vote we are going to have. This is a vote that will correct the bill to comply with the President's promise not to tax anyone who makes under $200,000 as an individual or $250,000 as a family.

I think the vote we just had was a unanimous vote for it. It said not to take tax relief out of the bill. We have had plenty of debate about tax relief—whether it is in the bill or not in the bill. This motion says let's fix the bill and take out the hundreds of billions of dollars of taxes that will fall squarely on the middle class.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, the Crapo motion to commit is an attempt to kill health care reform. If it succeeds, we will keep 31 million Americans from getting health care coverage. If it succeeds, it will keep Americans from getting the tax cuts in the bill. If the motion succeeds, over the next 10 years, Americans will get $441 billion less in tax credits to buy health insurance.

I urge that we not vote in favor of the Crapo motion, 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 bill 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 45, nays 54, as follows:

[Rollcall Vote No. 376 Leg.]

YEAS—45

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

NAYS—54

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

NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 54. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

AMENDMENT NO. 2793, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relationship to amendment No. 2793, as modified, offered by the Senator from North Dakota, Mr. DORGAN.

The Senator from North Dakota.

Mr. DORGAN. Madam President, this amendment is about fair pricing for prescription drugs for the American people. A colleague of mine just came up to me and said: My daughter takes Nexium. It costs her $1,000 a month. I said: I happen to have a chart about Nexium here. This illustrates better than I know how to illustrate the difference in pricing.

Here is what Nexium costs: $424 worth of Nexium in the United States is sold for $40 in Great Britain, $36 in Spain, $37 in Germany, $67 in France. If you like this kind of pricing where the American people pay the highest prices in the world for prescription drugs, if you like this kind of pricing, then you ought to vote against this amendment. But this amendment is bipartisan—Republicans and Democrats. Over 30 Members of this Senate have supported this approach, saying let's provide fair pricing for a change for the American people.

We should not be paying the highest prices in the world for prescription drugs. All I ask is that you support this amendment to give the American people the opportunity for fair pricing for a change.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to oppose the Dorgan amendment. Let's be clear, there are those who want to deminimize safety. But the one entity in this country that is responsible for the food and drugs is the FDA, and Commissioner Hamburg has mentioned in her letter all of the potential risks of the Dorgan amendment.

Secondly, we have heard about the European Union as an example why we should permit reimportation. What did we hear from the European Community last week? In 2 months, they seized 34 million fake tablets at customs points in all member countries, and this was beyond their greatest fears.

Thirdly, how do we create affordability? By closing the doughnut hole. And this amendment will not do that, it will undermine that.

And finally, Senator LAUTENBERG's amendment, which comes up after this amendment, is the one that permits reimportation but takes care of the safety issues that the FDA has said are critical.

We want to make sure when you buy Nexium that what you get is the substance and the quality and the quantity that you want, not something less that can undermine your health care. Vote against the Dorgan amendment.

Mr. DORGAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the amendment. 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 51, nays 48, as follows:

[Rollcall Vote No. 377 Leg.]

YEAS—51

Alexander	Corker	Harkin
Begich	Cornyn	Hutchison
Bennet	Crapo	Johanns
Bingaman	DeMint	Johnson
Bond	Dorgan	Klobuchar
Boxer	Feingold	Kohl
Brown	Feinstein	Leahy
Coburn	Franken	LeMieux
Collins	Graham	Lincoln
Conrad	Grassley	McCain
McCaskill	Risch	Stabenow
McConnell	Sanders	Thune
Merkley	Sessions	Udall (NM)
Murkowski	Shaheen	Vitter
Nelson (NE)	Shelby	Webb
Nelson (FL)	Snowe	Wicker
Pryor	Specter	Wyden

NAYS—48

Akaka	Durbin	Levin
Barrasso	Ensign	Lieberman
Baucus	Enzi	Lugar
Bayh	Gillibrand	Menendez
Bennett	Gregg	Mikulski
Brownback	Hagan	Murray
Bunning	Hatch	Reed
Burr	Inhofe	Reid
Burris	Inouye	Roberts
Cantwell	Isakson	Rockefeller
Cardin	Kaufman	Schumer
Carper	Kerry	Tester
Casey	Kirk	Udall (CO)
Chambliss	Kyl	Voinovich
Cochran	Landrieu	Warner
Dodd	Lautenberg	Whitehouse

NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 48. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 3156

Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3156, offered by the Senator from New Jersey, Mr. LAUTENBERG.

Mr. LAUTENBERG. Madam President, this is a simple solution to a complicated problem. My amendment contains the Dorgan amendment. The work done by our friend from North Dakota is significant. But what it did not have is a guarantee, as much as possible, that the product was safe; that there were no counterfeits, that there were no mixtures of things that might not work well with other drugs.

My amendment adds a simple requirement that imported drugs be certified as safe by the Health and Human Services Secretary. I hope we will be able to pass this, which will include the Dorgan amendment, to make sure the products that get here are safe, no matter what the price will be. If it is not safe, it is worthless. We want to be sure every product that reaches our shore is safe to take and will be sold at a more reasonable cost.

Mr. BAUCUS. Madam President, I have long supported measures that allow Montanans to buy safe and effective drugs from foreign countries. This is why I support the Lautenberg amendment.

Currently, the Food and Drug Administration is required to review the safety and effectiveness of domestically produced drugs. FDA is also required to ensure the safety and effectiveness of legally imported drugs. Through FDA's robust inspection and other regulatory compliance activities, consumers can have a high degree of confidence in the quality of the drugs.

The Lautenberg amendment allows importation of drugs manufactured outside the United States and includes

numerous protective measures in addition to these activities. These measures address the health and safety risks of importing foreign drugs.

Most importantly, it requires the Secretary of Health and Human Services to certify that the imported drugs do not pose any additional risk to the public's health and safety and create savings for American consumers.

With recent increased awareness of potentially dangerous food and drug products, it is more important than ever to protect American consumers.

This amendment ensures that consumers are protected from the risk of unsafe drugs. And it ensures Americans have access to consistent, reliable medicines.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time in opposition?

The Senator from North Dakota?

Mr. DORGAN. Madam President, we have all seen this movie before. We have had these votes before. All I say is this: The pharmaceutical industry flexes its muscles and defeats an attempt for fair prescription drug prices for the American people so we can keep paying the highest prices in the world. And then there is another amendment offered that makes it seem like something is being done when, in fact, nothing is going to be done, nothing will change.

Do not vote for this amendment and go home and say you have done something about the price of prescription drugs because your constituents will know better. This amendment does nothing. If you believe, at the end of the evening, we should do nothing, by all means vote for it. Don't count me in on that vote.

Mr. HARKIN. 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 amendment. 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 (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

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

[Rollcall Vote No. 378 Leg.]

YEAS—56

Akaka	Casey	Kaufman
Alexander	Chambliss	Kerry
Barrasso	Cochran	Kirk
Baucus	Cornyn	Landrieu
Bayh	Crapo	Lautenberg
Bennett	Dodd	LeMieux
Bond	Durbin	Lieberman
Boxer	Ensign	Lincoln
Brownback	Enzi	Lugar
Bunning	Gillibrand	Menendez
Burr	Hagan	Mikulski
Burris	Hutchison	Murkowski
Cantwell	Inhofe	Murray
Cardin	Isakson	Nelson (NE)
Carper	Johnson	Reed
Reid	Schumer	Udall (CO)
Risch	Shelby	Voinovich
Roberts	Specter	Warner
Rockefeller	Tester	

NAYS—43

Begich	Gregg	Pryor
Bennet	Harkin	Sanders
Bingaman	Hatch	Sessions
Brown	Inouye	Shaheen
Coburn	Johanns	Snowe
Collins	Klobuchar	Stabenow
Conrad	Kohl	Thune
Corker	Kyl	Udall (NM)
DeMint	Leahy	Vitter
Dorgan	Levin	Webb
Feingold	McCain	Whitehouse
Feinstein	McCaskill	Wicker
Franken	McConnell	Wyden
Graham	Merkley	
Grassley	Nelson (FL)	

NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote the yeas are 56, the nays are 43. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Texas.

MOTION TO COMMIT

Mrs. HUTCHISON. Mr. President I have a motion at the desk, and I ask that it be brought forward.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] 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 to align the effective dates of all taxes, fees, and tax increases levied by such bill so that no such tax, fee, or increase take effect until such time as the major insurance coverage provisions of the bill, including the insurance exchanges, have begun. The Committee is further instructed to maintain the deficit neutrality of the bill over the 10-year budget window.

Mrs. HUTCHISON. Mr. President, this is a motion that Senator THUNE and I are putting forward. It is a very simple motion. A lot of people don't realize that the taxes in the bill we are discussing actually start in about 3 weeks. They start in January of 2010. The effect of the bill, whatever the proposals are going to be in the bill, whatever programs are available, will not come into play until 2014. The taxes will start this next year, and they will be paid for 4 years before any of the programs the bill is supposed to put forward will be there. The motion Senator THUNE and I put forward merely says that taxes start being collected when the bill is implemented. So whatever programs are being offered to the people, whatever insurance programs, whatever kinds of benefits there might be in the bill would start at the same time as the taxes start. So you are not going to be paying taxes before you have any options that you would be able to take in this bill.

It is simple. It is clear. We believe that if you pay taxes for 4 years before you see any of the programs in this bill, the American people can't be sure there will ever be a program, because there will be intervening Congresses and intervening Presidential elections that will occur before this bill is designed to start in 2014. We have congressional elections in 2010. We have a Presidential election plus congressional elections in 2012. And 2 years following that, 2014, is when this bill will be implemented.

I hope everyone will look at this motion and support the amendment we are putting forward. It is a motion to commit the bill to fix this issue, that America should not be looking at higher drug prices, higher medical device prices, and higher costs of insurance, all of which are the first taxes that will take effect.

Let's walk through it. Starting next year in January, 3 weeks from today, there will be $22 billion in taxes on prescription drug manufacturers that will start. The price of prescription drugs, aspirin, anything that people take will go up because the drug manufacturers are going to start paying a tax. There is $19 billion in taxes on medical device manufacturers. So medical devices we use, hearing aids, things we use to treat ailments will be taxed to the tune of $19 billion next January. There is $60 billion on insurance companies starting next month. That is about $100 billion in taxes that start in about 3 weeks. So the insurance companies have probably already priced in the negotiations that they are having now with people about their insurance premiums. I am sure they realize that they are going to have to be locked in for a year or two or three and, therefore, these rises in insurance premiums are probably part of this bill we are dealing with right now. And $60 billion will be passed on to every person who has health care coverage right now.

Here we are, health care reform that is supposed to bring down the price of health care so that more people can afford it. And what is the first thing we do? It is not to offer a plan. It is not to offer any kind of program that would help people who are struggling right now because they don't have insurance. It is certainly not going to help people struggling to pay their prescription drug prices. We are going to raise the price by taxing the manufacturers of drugs, of medical devices, and the companies that are giving insurance today.

It is time that we talk about the high taxes in this bill. What we are going to talk about in the Hutchison-Thune proposal, the motion to commit, is to say at the very least, the least we can do is not ask people to pay taxes for 4 years when you are going to have three intervening congressional elections before this bill takes effect. Things could change mightily. All these taxes that are going to go into place might never bring forward the proposals that are in the underlying bill.

In 2013, 1 year before the bill is to take effect, the taxes on high benefit plans go into effect. What is a high benefit plan? A high benefit plan is one that is a good plan. Many unions have these, and many people who work for

big corporations have everything paid for. They have all of the employer regular, in the order that most companies do, payments, but they also allow in these plans to have most of the deductibles also paid for. They are very good plans. This bill will excise for those plans $149 billion, cut it right out and have an excise tax on those good plans, $149 billion. That starts in 2013. That is 1 year before the bill takes effect.

In 2013, 1 year before there is any new plan put forward, those who have very good coverage—whether it be someone who works for a big company or whether it is a union member—will start getting a 40-percent tax on that benefit. So all of the things that have been negotiated are going to have a big 40-percent tax. That starts in 2013.

In addition, in 2013, 1 year before the bill takes effect, there is a limitation put on itemized deductions for medical expenses. Today, if you spend more than 7.5 percent of your income on medical expenses, you get to deduct everything over that. So if you have a catastrophic accident or you have a very expensive disease to treat or you are in a clinical trial—something that is expensive—if you go above 7.5 percent of your income, you can deduct that. In 2013, under the bill that is before us, you would have to spend 10 percent of your income before you could deduct those expenses. That is another $15 billion that will be collected in taxes that are not collected today.

The new Medicare payroll tax, which impacts individuals who earn over $200,000 or couples who earn $125,000 each, would take effect in 2013. That is $54 billion in taxes.

These are all the taxes that take effect before the bill does, before there is any plan offered. You would have the tax that starts next month on insurance companies, pharmaceutical companies, and medical device companies. Then, in 2013, you would have a tax on high-benefit plans, a 40-percent tax on that plan. Then, in 2013, the itemized deductions will not be allowed until you have paid 10 percent of your salary in medical expenses. Then there is the Medicare payroll tax, which is going to impact individuals. All of this is before there is a program in place.

In 2014, when the bill does come forward so there are plans to be offered to people, then you start the mandates on employers and the taxes if people are not covered. So you have $28 billion in taxes on employers that start in 2014. These are the employers who cannot afford to give health care to their employees or they do not give the right kind of health care to their employees, so it is not the right percentage, and if it is not the right percentage, then the employer pays a fee of $750 to $3,000 per employee. That is their fine.

Then there is the tax on individuals who do not have health insurance, and that is $750 per adult.

My colleague from South Dakota and I will certainly want to spend more time talking about this and hope very much that our colleagues will also. I do not think this is what the American people thought they would be getting in health care reform. Of course, what we would hope the American people would get in health care reform would be lower cost options that do not require a big government plan. They would not require big taxes. They would not require big fees. If we had a lowering of the cost, by allowing small businesses to have bigger risk pools, that would not cost anything. It would allow bigger risk pools that would provide lower premiums and employers would be able to offer more to their employees.

Most employers want to offer health care to their employees. It is just a matter of the expense. The bill we are debating now is going to put more expenses and burdens on employers, at the time when we are asking them to hire more people to get us out of this recession.

Everywhere I go in Texas, when I am on an airplane, when I am in a store, a grocery store—I have not been able to do any Christmas shopping, I must admit, so I have not been in a department store, but nevertheless I do go to the grocery store—everyone who I am talking to is saying: I can't afford this. What are you all doing? And I am saying, of course: Well, we are trying to stop this because we agree with you that small businesspeople cannot afford this.

I was a small businessperson. I know how hard it is because we do not have the margins of big business, and it is very hard to make ends meet when you have all the mandates and the taxes, and when you are trying to increase your business and hire people, which is what we want them to do. You cannot do it if you are burdened with more and more expenses, as this bill will do.

What Senator THUNE and I are doing is making a motion to commit this bill back with instructions, to come back with the changes that will assure that when the implementation of this bill starts, that will trigger whatever programs are in the bill at the same time as whatever taxes and fees are going to be in this bill.

I would hope there would be fewer taxes and fees. But whatever your view is on that issue, it is a matter of simple fairness that you would not start the taxes before you start the implementation of the program. It would be like saying: I want to buy a house, and the realtor says: Well, fine, you can start paying for the house right now, and in 4 years you will be able to move in. The house might be stricken by lightning. It might fall apart. It might blow up. It might have a fire. And that is exactly what could happen in this bill.

This bill may not make it for 4 years, when people see what is in it. There will be elections, and I cannot imagine we would establish a policy of taxing people for 4 years, raising costs, leading down this path that will eventually go to a public plan that will end up doing what was originally introduced in the bill; and that is, to end up with one public plan. It will take a little longer the way the bill is being reconfigured, but it is going to end up in the same place, unless we can stop it by showing people that the mandates and the taxes are not good for our economy and they are not good for the health care system we know in this country.

We have choices in this country. We have the ability to decide who our doctor is and what insurance coverage we want, whether we want a high deductible or a low deductible. That is not a choice that should be taxed. We should not have someone tell us what procedures we can have. We should have the option of deciding that for ourselves with our doctors. That is what we want in health care reform. But that is not what is in the bill before us.

I hope we can discuss the Hutchison-Thune motion to commit. We are going to work to try to make sure everyone knows we want fairness in this bill and that people know what is in it. I hope we will get whatever the new version of the bill is very soon so we will have a chance to see if maybe there are some changes that are being made. But in the bill before us, the taxes start next month, and the bill is implemented in 2014. On its face, that is fundamentally unfair. I hope our motion is adopted so we can change it.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President, today I would like to talk about health care costs. We began this endeavor to fix our broken health care system a year ago for two reasons: to move toward universal coverage, and to reduce the unacceptably high cost of health care that is threatening to ruin our country.

It is vital that in our quest to cut costs, we do not leave money on the table that could be going back into the pockets of the American people. This process is not over and while we still have time, we need to more strongly address the rising costs of prescription drugs. The cost of brand-name drugs rose nine percent last year. That is an unprecedented, unacceptable hike. In contrast, the cost of generic drugs fell by nearly nine percent over the same time period.

For years, we have tried to make it easier for Americans to have access to affordable drugs. We have worked to ease the backlog of generic drug applications at the FDA. We support comparative effectiveness studies and academic detailing to diminish the influence of brand-name drug manufacturers. And we must continue to break down the barriers to help generic drug companies get their products on the market.

Therefore it is imperative that we pass legislation to fight the backroom deals between brand name drug companies and generic drug companies that keep generics off the market and out of reach for consumers. The Kohl-Grassley amendment to stop what we call

these ''reverse payments'' is based on a bill that was passed with bipartisan support by the Judiciary Committee last month, and I thank Senator GRASSLEY for working together with me on it.

Let me be clear about what these deals are: brandname drug companies pay generic drug companies—their competition to not sell their products. The brandname drug companies win because they get rid of the competition. Generic drug companies win because they get paid without having to manufacture a product. And consumers lose because they have been robbed of a competitive marketplace.

How much do American consumers lose in these backroom deals? Thirty-five billion dollars over 10 years, according to the Federal Trade Commission. And the Congressional Budget Office estimates these anticompetitive deals cost the Federal Government nearly $2 billion on top of that, because we end up paying more for branded drugs through Medicare and Medicaid. We cannot afford to leave this money on the table, and our bill—which we hope will be included in the final health reform legislation—will make sure we do not.

We are pleased that the current bill includes a provision that Senator GRASSLEY and I hope will slow the rising cost of drugs and medical devices. Our policy aims to make transparent the influence that industry gifts and payments to doctors may have on medical care. As we look to reform the health system, it is imperative that every dollar is spent wisely.

In closing, I urge my colleagues to support my amendment to end these collusive drug company settlements and to find additional ways to reduce the cost of this bill. This proposal would save billions of dollars and reduce consumer costs by billions more. This is what we said we would do, and this is what we must do.

Mr. JOHNSON. Mr. President, I rise today to recognize that the rising health care costs plaguing our health care system are disproportionately harming small business in South Dakota and across the Nation. Over the last decade, health care costs have been rising four times faster than wages, eating into the profits of small businesses and the pocketbooks of families. Many small businesses avoid hiring new employees because the cost of providing benefits is too great, and in some cases are forced to lay off employees or drop health care coverage entirely.

A small business owner in northeastern South Dakota shared with me the impact of rising health care costs on his business. He cited a strong conviction and moral obligation to provide his employees and their families with benefits, including quality, affordable health insurance. Despite his best intentions, rising health care costs are threatening his ability to maintain those benefits.

As the employees of this small business aged and used more of their health benefits, the insurance company steadily raised rates 10 to 20 percent each year. When the rates were affordable the small business owner paid the full cost of premiums, but has since been forced to shift more and more of the costs onto his employees. If rates continue to rise, he is worried he will no longer be able to afford to offer any coverage.

And he has concrete cause for concern. Current trends paint a bleak picture of future health care costs for all Americans, but they have particular implications for small businesses. In 2000, employer-sponsored health insurance in the large group market for a family in South Dakota cost on average $6,760. In 2006, the same family health insurance plan cost $9,875. That is a 72-percent increase in 6 years and, unless action is taken to alter this unsustainable course, it is projected this same coverage will cost $16,971 in 2016. Because they lack bargaining leverage, small businesses pay on average 18 percent more than larger businesses for the same health insurance. Despite their best intentions to provide quality, affordable benefits to their employees, the unsustainable trends in our current health care system have already forced many small businesses to make tough decisions.

The Senate health care reform bill addresses the main challenges facing small businesses—affordability and choice. The Patient Protection and Affordable Care Act will increase quality, affordable options in the small group market. The Small Business Health Options Program, SHOP, Exchange will give small businesses the buying power they need to get better deals and reduce administrative burdens. And small businesses providing health insurance to their employees will be eligible for a tax credit to improve affordability. The bill will also end the discriminatory insurance industry practices in the small group market of jacking up premiums by up to 200 percent because an employee gets sick or older, or because the business hired a woman.

The Senate health reform bill will give a new measure of security to those with health insurance and extend this security to more than 30 million Americans who are currently uninsured. It will lower premiums, protect jobs and benefits, and help small businesses grow.

Mr. GRASSLEY. Mr. President, yesterday afternoon, a few of my friends on the other side made some assertions about congressional history, fiscal policy, and the role of bipartisan tax relief for the period of 2001–2006. The speakers were the distinguished junior Senators from Vermont, Ohio, and Minnesota. They are all passionate Members. They are articulate voices of the progressive, as they term it, or very liberal wing, as those of us on this side term it, portion of the Senate Democratic Caucus.

I respect the passion they bring to their views. But, as one of them has said frequently in his early months of Senate service, we are entitled to our opinions, but not entitled to our own facts. I couldn't agree more with that notion. In order to insure an intellectually honest standard of debate, both sides need to correct the record when they feel the other side has misstated the facts. It is in that spirit that I respond today.

I won't take this time to debate the merits of the surtax that they propose as a substitute revenue raiser in this bill. That can wait till we debate their amendment. I am going to focus on their assertions about recent fiscal history and the role of bipartisan tax relief.

Before I address the revisionist fiscal history we heard, I would like to set the record straight on congressional history.

It was said yesterday afternoon that there were 8 years of a George W. Bush administration and Republican Congress. If the Members making these assertions would go back and check the records of the Senate, they would find that during that 8-year period Republicans controlled the Senate when it was evenly divided for a little over 5 months. For almost half the month of January 2001, Democrats held the majority because outgoing Vice President Gore broke ties. For the balance of the period from January 20, 2001, through June 6, 2001, the Senate was evenly divided, but Republicans held because of Vice President Cheney's tie breaking vote.

On June 6, 2001, the Democrats regained the majority when Senator Jeffords, previously a Republican, began caucusing with Senate Democrats. For the balance of 2001, 2002, and in early 2003, Democrats held the majority.

For two Congresses, half of President Bush's term, Republicans held a majority. For the last 2 years of the George W. Bush Presidency, Democrats controlled both Houses of Congress.

When you add it up, with the exception of a little over 4 months when the Senate was equally divided, Democrats controlled the Senate for about half the period of the George W. Bush administration.

When you hear some of our friends on the other side debate recent fiscal history, these basic facts regarding political power and accountability are obscured. Perhaps it is their opinion that Democrats were not exercising majority power during that period, but the fact is that Democrats controlled the Senate for almost half the period of the George W. bush administration.

Now let's turn to the fiscal history assertions from my friends on the other side. The revisionist history basically boils down to two conclusions:

1. That all of the bipartisan tax relief enacted during that period was skewed to the top 1 percent or top two-tenths of 1 percent of taxpayers; and

2. That all of the ''bad'' fiscal history of this decade to date is attributable to the bipartisan tax relief plans.

Not surprisingly, nearly all of the revisionists who spoke generally oppose tax relief and support tax increases. The same crew generally support spending increases and oppose spending cuts.

On the first point, two of the three speakers from the other side voted for the conference report for fiscal year 2010 budget resolution. The third speaker was not a Member of this body at that time the conference report was adopted. I am not aware, however, of his opposition to that budget which was drawn up by the Senate Democratic Caucus.

That budget was similar to President Obama's first budget. A core portion of that budget, much ballyhooed by the Democratic leadership, was an extension of the major portion of the bipartisan tax relief enacted during the period of 2001–2006. As a matter of fact, roughly 80 percent of the revenue loss from that legislation, much criticized by the three speakers yesterday afternoon, is contained in the budget that two of them voted for. Eighty percent is usually a pretty fair endorsement of any policy. Again, I have not heard the third speaker, the junior Senator from Minnesota, indicate that he doesn't support the tax relief included in the Democratic budget. Perhaps I missed something. In addition, the three speakers need to pay attention to analyses from the nonpartisan Joint Committee on Taxation.

If they did examine those analyses, they would find that, in terms of the burden of taxation, the 2001 legislation redistributed the burden from lower income taxpayers to higher income taxpayers.

Now, I turn to the second fiscal revisionist history point. That point is that all of the ''bad'' fiscal history of this decade to date is attributable to the bipartisan tax relief plans.

In the debate so far, many on this side have pointed out some key, undeniable facts. We agree with the President on one key fact. The President inherited a big deficit and a lot of debt.

The antirecessionary spending, together with lower tax receipts, and the TARP activities has set a fiscal table of a deficit of $1.2 trillion. That was on the President's desk when he took over the Oval Office on January 20, 2009. That is the highest deficit, as a percentage of the economy, in Post World War II history.

Not a pretty fiscal picture. And, as predicted several months ago, that fiscal picture got a lot uglier with the $787 billion stimulus bill. So for the folks who saw that bill as an opportunity to ''recover'' America with government taking a larger share of the economy over the long term, I say congratulations.

For those who voted for the stimulus bill, including two of the three speakers to which I refer, they put us on the path to a bigger role for the government. Over a trillion dollars of new deficit spending was hidden in that bill. The Congressional Budget Office concluded that the permanent fiscal impact of that bill totaled over $2.5 trillion over 10 years. It caused some of the extra red ink. Supporters of that bill need to own up to the fiscal course they charted.

Now, to be sure, after the other side pushed through the stimulus bill and the second half of the $700 billion of TARP money, CBO reestimated the baseline. A portion of this new red ink, upfront, is due to that reestimate.

The bottom line, however, is that reestimate occurred several weeks after the President and robust Democratic majorities took over the government. Decisions were made and the fiscal consequences followed.

Some on the other side who raises this point about the March CBO reestimate. That is fine. But, if they were to be consistent and intellectually honest, then they would have to acknowledge the CBO reestimate that occurred in 2001 after President Bush took office. The surplus went south because of economic conditions. The $5.6 trillion number so often quoted by those on the other side was illusory.

The three members should go back and take a look at what CBO said at the time. According to CBO, for the first relevant fiscal year, the tax cut represented barely 14 percent of the total change in the budget. For instance, for the same period, increased appropriations outranked the tax cut by $6 billion. So, spending above baseline, together with lower projected revenues, accounted for 86 percent of the change in the budget picture. Let me repeat that. Bipartisan tax relief was a minimal, 14-percent factor, in the change in the budget situation.

Over the long term, the tax cut was projected to account for 45 percent of the change in the budget picture. Stated another way, the 10-year surplus declined from $5.6 trillion to $1.6 trillion. Of that $4.0 trillion change, the tax cut represented about $1.7 trillion of the decline.

Let's take a look at the fiscal history before the financial meltdown hit. That conclusion is, again, in this decade, all fiscal problems are attributable to the widespread tax relief enacted in 2001, 2003, 2004, and 2006.

In 2001, President Bush came into office. He inherited an economy that was careening downhill. Investment started to go flat in 2000. The tech-fueled stock market bubble was bursting. Then came the economic shocks of the 9/11 terrorist attacks.

Add in the corporate scandals to that economic environment. And it is true, as fiscal year 2001 came to close, the projected surplus turned to a deficit. I referred to the net effects of some of these unforeseen events on the projected $5.6 trillion surplus.

Now, yesterday afternoon's three speakers may so oppose bipartisan tax relief that they want to attribute all fiscal problems to the tax relief. The official scorekeepers show the facts to be different.

Those on this side of the aisle have a different view than the revisionists. In just the right time, the 2001 tax relief plan started to kick in. The fiscal facts show as the tax relief hits its full force in 2003, the deficits grew smaller. They grew smaller in amount. They grew smaller as a percentage of the economy. This pattern continued up through 2007.

If my comments were meant to be partisan shots, I could say this favorable fiscal path from 2003 to 2007 was the only period, aside from 6 months in 2001, where Republicans controlled the White House and the Congress.

But, unlike the fiscal history revisionists, I am not trying to make any partisan points. I am just trying to get to the fiscal facts.

So, let's get the fiscal history right.

In this decade, deficits went down after the tax relief plans were put in full effect. Deficits did start to trend back up after the financial meltdown hit. I doubt the fiscal history revisionists who spoke yesterday would say that bipartisan tax relief was the cause of the financial meltdown. So, aside from that unrelated bad macroeconomic development, the trend line showed revenues on the way back up.

But that is the past. We need to make sure we understand it. But what is most important is the future. People in our States send us here to deal with future policy. This budget debate should not be about Democrats flogging Republicans and vice-versa. The people don't send us here to flog one another, like partisan cartoon cut-out characters, over past policies. They don't send us here to endlessly point fingers of blame. Now, let's focus on the fiscal consequences of the budget that is before the Senate.

President Obama rightly focused us on the future with his eloquence during the campaign. I'd like to take a quote from the President's nomination acceptance speech:

> We need a President who can face the threats of the future, not grasping at the ideas of the past.

President Obama was right.

We need a President, and I would add Congressmen and Senators, who can face the threats of the future. The legislation before us, as currently written, poses considerable threats to our fiscal future. It is too important to dodge. It is a bill that restructures one-sixth of the economy. It affects all of us and, more importantly, all of our constituents.

Grasping at ideas of the past or playing the partisan blame game will not deal with the threats to our fiscal future. Let's face the honest fiscal facts. Let's not revise fiscal history as we start this critical debate about the fiscal choices ahead of us. The people who send us here have a right to expect nothing less of us.

ORDER AUTHORIZING SIGNATURE

Mr. PRYOR. Mr. President, I ask unanimous consent that the majority

leader be authorized to sign any duly enrolled bill and joint resolution today, December 15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 4154

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4154 just received from the House and at the desk; that the Baucus substitute amendment be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the measure be printed in the RECORD, without further intervening action or debate.

Mr. President, I understand the Republican leader will object, so I will withdraw this request.

The PRESIDING OFFICER. Without objection, the request is withdrawn.

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent 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.

BOEING DREAMLINER

Ms. CANTWELL. Mr. President, I know we are in the middle of a health care debate and I know we are focused on health care and we will be talking about that for several days, but I rise to congratulate the people of Washington State and the country on the 787 Dreamliner flight that took off from Paine Field, WA, just a few hours ago. Some people might think of that as just going to YouTube and looking at the video and seeing a plane take off and what is the significance. I tell you, there is great significance, not just for the State of Washington but for the country because this plane is a unique plane. It is a game changer as far as the market is concerned. But it is American innovation at its best. This plane, built now with 50 percent composite materials, is going to be a 20-percent more fuel-efficient plane. That is significant for our country. It is significant because it means the United States can still be a leader in manufacturing and it can still deal with something as complex as fuel efficiency in aviation.

What is prideful for us as Americans is, this is about American innovation at its best. What would Bill Boeing say about today? He would say we achieved another milestone, where we faced international competition. Yet the United States can still be a manufacturer. We can still build a product, still compete, and still win because we are innovating with aviation.

To the thousands of workers in the Boeing Company and in Puget Sound I say: Congratulations for your hard work—for the planning and implementation of taking manufacturing from aerospace with aluminum that had been the status quo for decades, to developing an entirely new plane, 50 percent with the new material.

I want the United States to continue to be a manufacturer, to still build products, to still say we can compete. So I applaud the name Dreamliner. Somebody in that company had a dream, and today it got launched when it took off from that runway. I wish to say that is the innovative spirit that has made this country great and that is the innovative spirit in which we need to invest.

HUMAN RIGHTS ENFORCEMENT ACT

Mr. DURBIN. Mr. President, I rise today to speak in support of the Human Rights Enforcement Act of 2009, which the U.S. Senate approved unanimously on November 21, 2009, and which the House of Representatives will consider today. This narrowly tailored, bipartisan legislation would make it easier for the Justice Department to hold accountable human rights abusers who seek safe haven in our country.

I would like to thank the lead Republican cosponsor of the Human Rights Enforcement Act, Senator TOM COBURN of Oklahoma. This bill is a product of the Judiciary Committee's Subcommittee on Human Rights and the Law. I am the Chairman of this Subcommittee and Senator COBURN is its ranking member. I also want to thank Judiciary Committee Chairman PAT LEAHY of Vermont and Senator BEN CARDIN of Maryland for cosponsoring this bill.

For decades, the United States has led the fight for human rights around the world. Over 60 years ago, following the Holocaust, we led the efforts to prosecute Nazi perpetrators at the Nuremberg trials. We have also supported the prosecution of human rights crimes before the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone.

The world watches our efforts to hold accountable perpetrators of mass atrocities closely. When we bring human rights violators to justice, foreign governments are spurred into action, victims take heart, and future perpetrators think twice. However, when human rights violators are able to live freely in our country, America's credibility as a human rights leader is undermined.

Throughout our history, America has provided sanctuary to victims of persecution. Sadly, some refugees arrive from distant shores to begin a new life, only to encounter those who tortured them or killed their loved ones.

Two years ago, the Human Rights and the Law Subcommittee heard compelling testimony from Dr. Juan Romagoza, who endured a 22-day ordeal of torture at the hands of the National Guard in El Salvador. Dr. Romagoza received asylum in our country but later learned that two generals who were responsible for his torture had also fled to the United States. We also learned that our government was investigating over 1,000 suspected human rights violators from almost 90 countries who were in the United States.

The Human Rights and the Law Subcommittee has worked to ensure our government has the necessary authority and resources to bring perpetrators to justice and to vindicate the rights of people like Dr. Romagoza.

In the last Congress, the Subcommittee on Human Rights and the Law held hearings which identified loopholes in the law that hinder effective human rights enforcement. In order to close some of these loopholes and make it easier to prosecute human rights abuses, Senator COBURN and I introduced the Genocide Accountability Act, the Child Soldiers Accountability Act and the Trafficking in Persons Accountability Act, legislation passed unanimously by Congress and signed into law by President George W. Bush that denies safe haven in the United States to perpetrators of genocide, child soldier recruitment and use, and human trafficking.

We also examined the U.S. government agencies which bear responsibility for investigating human rights abusers and how to increase the likelihood that human rights violators will be held accountable.

There are two offices in the Justice Department's Criminal Division with jurisdiction over human rights violations. The first, the Office of Special Investigations, also known as OSI, which was established by Attorney General Richard Civiletti in 1979, has led the way in investigating, denaturalizing and removing World War II-era participants in genocide and other Nazi crimes. I want to commend OSI for its outstanding work tracking down and bringing to justice Nazi war criminals who have found safe haven in our country. Since 1979, OSI has successfully prosecuted 107 Nazis.

Just this year, OSI deported John Demjanjuk to Germany, where he is on trial for his involvement in the murder of more than 29,000 people at the Sobibor extermination camp in Nazi-

occupied Poland. Demjanjuk came to the United States in 1952 and lived in Seven Hills, OH. During World War II, Demjanjuk allegedly served as a guard at a number of concentration camps. Lanny Breuer, the Assistant Attorney General of the Criminal Division, said, ''The removal to Germany of John Demjanjuk is an historic moment in the federal government's efforts to bring Nazi war criminals to justice. Mr. Demjanjuk, a confirmed former Nazi death camp guard, denied to thousands the very freedoms he enjoyed for far too long in the United States.''

In 2004, Judiciary Committee Chairman PAT LEAHY's Anti-Atrocity Alien Deportation Act, enacted as part of the Intelligence Reform and Terrorism Prevention Act, further strengthened the Office of Special Investigations by statutorily authorizing it and expanding its jurisdiction to include serious human rights crimes committed after World War II.

The Domestic Security Section, which was established more recently, prosecutes major human rights violators and has jurisdiction over the criminal laws relating to torture, genocide, war crimes, and the use or recruitment of child soldiers. In 2008, the Domestic Security Section and the United States Attorney's Office for the Southern District of Florida obtained the first federal conviction for a human rights offense against Chuckie Taylor, son of former Liberian president Charles Taylor, for committing torture in Liberia when he served as the head of the Anti-Terrorist Unit. Taylor and other Anti-Terrorist Unit members engaged in horrific acts of torture, including shocking victims with an electric device and burning victims with molten plastic, lit cigarettes, scalding water, candle wax and an iron. Then-Attorney General Michael Mukasey said, ''Today's conviction provides a measure of justice to those who were victimized by the reprehensible acts of Charles Taylor Jr. and his associates. It sends a powerful message to human rights violators around the world that, when we can, we will hold them fully accountable for their crimes.''

The Human Rights Enforcement Act would seek to build on the important work carried out by the Office of Special Investigations and the Domestic Security Section by creating a new streamlined human rights section in the Criminal Division. My bill would combine the Office of Special Investigations, which has significant experience in investigating and denaturalizing human rights abusers, with the Domestic Security Section, which has broad jurisdiction over human rights crimes. Consolidating these two sections would allow limited law enforcement resources to be used more effectively and ensure that one section in the Justice Department has the necessary expertise and jurisdiction to prosecute or denaturalize perpetrators of serious human rights crimes.

This consolidation will also enable more effective collaboration between the Department of Justice and the Department of Homeland Security's Immigration and Customs Enforcement in identifying, prosecuting, and removing human rights violators from the United States. Immigration and Customs Enforcement has been at the forefront of the federal government's efforts to bring war criminals to justice and is currently handling over 1,000 human rights removal cases involving suspects from about 95 countries.

Immigration and Customs Enforcement and the Justice Department have complementary jurisdiction over human rights violations and partner closely in their efforts to hold accountable human rights violators. In some instances, where prosecution for a substantive human rights criminal offense is not possible, Immigration and Customs Enforcement can bring immigration charges. For example, Immigration and Customs Enforcement recently filed administrative charges against the two El Salvadoran generals who are responsible for the torture of Dr. Romagoza, which took place before the enactment of legislation prohibiting torture in the United States.

With the creation of a new streamlined human rights section in the Criminal Division of the Justice Department, Immigration and Customs Enforcement will have a stronger partner in the Justice Department to collaborate with on human rights violator law enforcement issues. This bill would require the Attorney General to consult with the Secretary of Homeland Security as appropriate, which means the Attorney General shall consult with the Secretary of Homeland Security on cases that implicate the Department of Homeland Security's jurisdiction and competencies.

The consolidation of the two sections in the Criminal Division of the Justice Department with jurisdiction over human rights violations would not affect or change Immigration and Customs Enforcement's existing jurisdiction over human rights violators. Immigration and Customs Enforcement will continue to have primary authority for removing human rights violators from the United States through the immigration courts.

At a hearing of the Human Rights and the Law Subcommittee on October 6, 2009, the Justice Department and Immigration and Customs Enforcement expressed strong support for combining the Office of Special Investigations and the Domestic Security Section. However, since the Office of Special Investigations is statutorily authorized, the Justice Department needs Congressional authorization to move forward on merging these two sections.

The Human Rights Enforcement Act also includes a number of technical and conforming amendments, including: 1) technical changes to the criminal law on genocide (18 U.S.C. 1091) that the Justice Department requested in 2007 to make it easier to prosecute perpetrators of genocide; 2) clarifying that the immigration provisions of the Child Soldiers Accountability Act apply to offenses committed before the bill's enactment; 3) a conforming amendment to the Immigration and Nationality Act required by the enactment of the Genocide Accountability Act; and 4) a conforming amendment to the material support statute, made necessary by the enactment of the Genocide Accountability Act and the Child Soldiers Accountability Act, making it illegal to provide material support to genocide and the use or recruitment of child soldiers. These technical changes will facilitate the government's ability to prosecute perpetrators who commit genocide or use child soldiers.

Dr. Juan Romagoza survived horrible human rights abuses, and had the courage to flee his home and find sanctuary in the United States, where he became an American and made great contributions to our country. We owe it to Dr. Romagoza, and countless others like him, to ensure that America does not provide safe haven to those who violate fundamental human rights. From John Demjanjuk, who helped massacre over 29,000 Jews during World War II, to the Salvadoran generals responsible for torturing Dr. Juan Romagoza, we have a responsibility to bring human rights violators to justice.

I thank my colleagues for supporting this legislation and hope it will be enacted into law soon.

PENDING NOMINATIONS

Mr. LEAHY. Mr. President, two weeks ago, I challenged Senate Republicans to do as well as Senate Democrats did in December 2001 when we proceeded to confirm 10 of President Bush's nominees as Federal judges. Regrettably, my plea has been ignored. Senate Republicans are failing the challenge. The Senate has been allowed to confirm only one judicial nominee all month. On December 1, after almost 6 weeks of unexplained delays, the Senate was allowed to consider the nomination of Judge Jacqueline Nguyen to fill a vacancy on the Federal Court for the Central District of California. When finally considered, she was confirmed unanimously by a vote of 97 to 0. Since then, not a single judicial nominee has been considered. It is now 2 weeks later, December 15.

Judicial nominees have been and are available for consideration. This lack of action is no fault of the President. He has made quality nominations. They have had hearings and have been considered by the Senate Judiciary Committee and favorably reported to the Senate. Indeed, the logjam has only grown over the last 2 weeks. Five additional judicial nominations have been added to the Senate calendar since December 1, bringing the total number of judicial nominations ready for Senate action, yet delayed by Republican obstruction, to 12. One has been ready for

Senate consideration for more than 13 weeks, another more than 10 weeks, and the list goes on. The majority leader and Democratic Senators have been ready to proceed. The Republican Senate leadership has not.

There are now more judicial nominees awaiting confirmation on the Senate's Executive Calendar than have been confirmed since the beginning of the Obama administration. Due to delays and obstruction by the Republican minority, we have only been able to consider 10 judicial nominations to the Federal circuit and district courts all year, and for one of them, although supported by the longest serving Republican in the Senate, we had to overcome a full-fledged filibuster led by the Republican leadership. As a result, we will not only fall well short of the total of 28 judicial confirmations the Democratic Senate majority worked to confirm in President Bush's first year in office, but we threaten to achieve the lowest number of judicial confirmations in the first year of a new Presidency in modern history.

It is clear that the Republican leadership has returned to their practices in the 1990s, which resulted in more than doubling circuit court vacancies and led to the pocket filibuster of more than 60 of President Clinton's nominees. The crisis they created eventually led even to public criticism of their actions by Chief Justice Rehnquist during those years. Their delays this year may leave us well short even of their low point during President Clinton's first term, when the Republican Senate majority would only allow 17 judicial confirmations during the entire 1996 session. That was a Presidential election year and the end of President Clinton's first term. By contrast, this is just the first year of the Obama administration.

We need to act on the judicial nominees on the Senate Executive Calendar without further delay. This year, we have witnessed unprecedented delays in the consideration of qualified and noncontroversial nominations. We have had to waste weeks seeking time agreements in order to consider nominations that were then confirmed unanimously. We have seen nominees strongly supported by their home State Senators, both Republican and Democratic, delayed for months and unsuccessfully filibustered.

The 12 judicial nominations that have been given hearings and favorable consideration by the Senate Judiciary Committee and that remain stalled before the Senate are Beverly Martin of Georgia, nominated to the Eleventh Circuit; Joseph Greenaway of New Jersey, nominated to the Third Circuit; Edward Chen, nominated to the District Court for the Northern District of California; Dolly Gee, nominated to the District Court for the Central District of California; Richard Seeborg, nominated to the District Court for the Northern District of California, Barbara Keenan of Virginia, nominated to the Fourth Circuit; Jane Stranch of Tennessee, nominated to the Sixth Circuit; Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Louis Butler, nominated to the District Court for the Western District of Wisconsin; Denny Chin of New York, nominated to the Second Circuit; Rosanna Malouf Peterson, nominated to the District Court for the Eastern District of Washington; and William Conley, nominated to the District Court for the Western District of Wisconsin.

Acting on these nominations, we can confirm 13 nominees this month. In December 2001, a Democratic Senate majority proceeded to confirm 10 of President Bush's nominees and ended that year having confirmed 28 new judges nominated by a President of the other party. We achieved those results with a controversial and confrontational Republican President after a midyear change to a Democratic majority in the Senate. We did so in spite of the attacks of September 11; despite the anthrax-laced letters sent to the Senate that closed our offices; and while working virtually around the clock on the PATRIOT Act for 6 weeks.

At the end of the Senate's 2001 session, only four judicial nominations were left on the Senate Executive Calendar, all of which were confirmed soon after the Senate returned in 2002. At the end of the first session of Congress during President Clinton's first term, just one judicial nominee was left on the Senate Executive Calendar. At the end of the President George H.W. Bush's first year in office, a Democratic Senate majority left just two judicial nominations pending on the Senate Executive Calendar. At the end of the first year of President Reagan's first term—a year in which the Senate confirmed 41 of his Federal circuit and district court nominees—not a single judicial nomination was left on the Senate Executive Calendar.

In stark contrast, there are now 12 judicial nominees on the Senate Executive Calendar and no agreement from Senate Republicans to consider a single one. That is a significant change from our history and tradition of confirming judicial nominations that have been reported favorably by the Senate Judiciary Committee by the end of a session.

The record of obstruction of the Senate Republicans is just as disappointing when we consider the executive nominations that have been reported by the Judiciary Committee. There are currently 15 executive nominations that have been reported favorably by the Senate Judiciary Committee pending on the Senate Executive Calendar, including nominations for Assistant Attorneys General to run three of the 11 divisions at the Department of Justice. Each of these nominations has been pending 4 months or longer.

The President nominated Dawn Johnsen to lead the Office of Legal Counsel on February 11. Her nomination has been pending on the Senate Executive Calendar since March 19. That is the longest pending nomination on the calendar by over 2 months. We did not treat President Bush's first nominee to head the Office of Legal Counsel the same way. We confirmed Jay Bybee to that post only 49 days after he was nominated by President Bush, and only 5 days after his nomination was reported by the Senate Judiciary Committee.

Mary Smith's nomination to be the Assistant Attorney General in charge of the Tax Division has been pending on the Senate's Executive Calendar since June 11—more than 6 months. We confirmed President Bush's first nomination to that position, Eileen O'Connor, only 57 days after her nomination was made and 1 day after her nomination was reported by the Senate Judiciary Committee. Her replacement, Nathan Hochman, was confirmed without delay, just 34 days after his nomination.

Among the nominations still waiting for consideration is that of Christopher Schroeder, nominated on June 4 to be Assistant Attorney General for the Office of Legal Policy, OLP. Mr. Schroeder's nomination has been pending before the Senate since July of this year when he was reported by the Senate Judiciary Committee by voice vote and without dissent. There was no objection from the Republican members of the committee on his nomination, so it puzzles me why we cannot move to a vote.

President Bush appointed four Assistant Attorneys General for the Office of Legal Policy. Each was confirmed expeditiously by the Senate. In fact, his first nominee to that post, Viet Dinh, was confirmed by a vote of 96 to 1 just 1 month after he was nominated and only a week after his nomination was reported by the Senate Judiciary Committee. Professor Schroeder's nomination has been pending for over 4 months. President Bush's three subsequent nominees to head OLP—Daniel Bryant, Rachel Brand, and Elisebeth Cook—were each confirmed by voice vote in a shorter time than Professor Schroeder's nomination has been pending.

Senate Republicans should not further delay consideration of these important nominations.

Returning to judicial nominations, I hope that instead of withholding consent and threatening filibusters of President Obama's nominees, Senate Republicans will treat President Obama's nominees fairly. I made sure that we treated President Bush's nominees more fairly than President Clinton's nominees had been treated. I want to continue that progress, but we need Republican cooperation to do so. I urge them to turn away from their partisanship and begin to work with the President and the Senate majority leader.

President Obama has reached out and consulted with home State Senators

from both sides of the aisle regarding his judicial nominees. Instead of praising the President for consulting with Republican Senators, the Senate Republican leadership has doubled back on what they demanded when a Republican was in the White House. No more do they talk about each nominee being entitled to an up-or-down vote. That position is abandoned and forgotten. Instead, they now seek to filibuster and delay judicial nominations. When President Bush worked with Senators across the aisle, I praised him and expedited consideration of his nominees. When President Obama reaches across the aisle, the Senate Republican leadership delays and obstructs his qualified nominees.

Although there have been nearly 110 judicial vacancies this year on our Federal circuit and district courts around the country, only 10 vacancies have been filled. That is wrong. The American people deserve better. As I have noted, there are 12 more qualified judicial nominations awaiting Senate action on the Senate Executive Calendar. Another nomination should be considered by the Judiciary Committee this week. I hope that with the session drawing to a close Judge Rogeriee Thompson of Rhode Island will not be needlessly delayed. The Senate should do better and could if Senate Republicans would remove their holds and stop the delaying tactics.

During President Bush's last year in office, we had reduced judicial vacancies to as low as 34, even though it was a Presidential election year. As matters stand today, judicial vacancies have spiked, and we will start 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 97 current vacancies and another 23 already announced. If we had proceeded on the judgeship bill recommended by the U.S. Courts to address the growing burden on our Federal judiciary and provide access to justice for all Americans, vacancies would stand at 160, by far the highest on record. I know we can do better. Justice should not be delayed or denied to any American because of overburdened courts and the lack of Federal judges.

There is still time to act on these nominations before the Senate recesses this year. I hope Senate Republicans will lift their objections and allow us to proceed on the 27 nominations reported by the Judiciary Committee. Absent cooperation to confirm nominations, this Congress will be recorded in history as one of the least productive in the confirmation of judicial nominations. I hope the New Year will bring a renewed spirit of cooperation.

RECEIPT OF ASYLUM

Mr. LEAHY. Mr. President, I am pleased to learn that, after 14 years of legal struggle, Ms. Rody Alvarado has finally received asylum in the United States. The details of Ms. Alvarado's case are shocking. She suffered from horrific domestic violence in her home country of Guatemala and sought protection in the United States under our asylum laws. Because persecution of this type had not previously been recognized as a basis for refugee or asylum protection, Ms. Alvarado was forced to fight a long legal battle to win her case.

The administrations of three different Presidents—Clinton, Bush and Obama—have grappled with how to handle gender-based asylum claims, but the resolution of this case brings us closer to the end of this journey. Ms. Alvarado can finally feel safe here in the United States because she is no longer at risk of being deported to Guatemala. The Obama administration must now issue regulations to ensure that other victims of domestic violence whose abuse rises to the level of persecution can obtain the same protection as refugees or asylees.

Ms. Alvarado fled Guatemala in 1995 after being beaten daily and raped repeatedly by her husband. When she became pregnant but refused to terminate her pregnancy, her husband kicked her repeatedly in the lower spine. Ms. Alvarado had previously tried to escape the abuse, seeking protection in another part of Guatemala, but her husband tracked her down and threatened to kill her if she left their home again. We know that Ms. Alvarado notified Guatemalan police at least five separate times, but the police refused to respond, telling her that her desperate situation was a domestic dispute that needed to be settled at home.

Over the past 14 years, Ms. Alvarado's case has been considered by immigration judges, the Board of Immigration Appeals, BIA, five different Attorneys General, and three Secretaries of Homeland Security. Throughout this extensive consideration, the core facts of her case have never been disputed. All parties have agreed that Ms. Alvarado suffered extreme abuse at the hands of her husband and that the Guatemalan Government would not protect her. All parties agreed that she has a well-founded fear that she would be abused again if she was forced to return to Guatemala.

The dispute in Ms. Alvarado's case centered on whether the abuse she suffered was persecution under the terms of the Refugee Convention and applicable U.S. law. To obtain protection in the United States, an asylum seeker must demonstrate that they have a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group.

I first wrote to Attorney General Janet Reno in December 1999, when the BIA reversed Ms. Alvarado's grant of asylum, concluding that her abuse was not persecution on account of membership in a particular social group. This decision was particularly troubling because it left unclear what grounds, if any, could be applied to a victim of severe domestic abuse who cannot obtain the protection of her country of origin. I wrote to Attorney General Reno again in February and September 2000 asking her to exercise her authority to review the case, called Matter of R-A-, and to reverse the BIA's decision. Unfortunately, the case was not reversed at that time, and it then languished for years. I wrote to Attorney General Ashcroft in June 2004 asking him to work with the Department of Homeland Security, DHS, to issue regulations to govern cases such as Ms. Alvarado's and to then decide her case in accordance with such rules. When he was a nominee to be Attorney General in January 2005, I asked Mr. Alberto Gonzales to commit to taking up the case and resolving it if he was confirmed. Mr. Gonzales promised to work with DHS to finalize regulations but did not take any action during his years as Attorney General.

Ten years after I and other Members of Congress first sought appropriate action and the fair resolution of this case, we celebrate the long-overdue outcome. While I am dismayed at the length of time Ms. Alvarado has lived with fear and uncertainty, the final resolution of this case gives me hope that abuse victims like Ms. Alvarado who meet the other conditions of asylum will be able to find safety in the United States.

The Obama administration has laid out a welcomed, new policy in its legal briefs in this case, and I thank the President, Secretary Napolitano, and Attorney General Holder for bringing this case to such a positive resolution. Yet the administration's work is not done. It must issue binding regulations so that asylum seekers whose cases have been held in limbo for years can also be resolved and that future cases are not delayed in adjudication. I urge the administration to immediately initiate a process of notice and comment rulemaking so that asylum seekers, practitioners, and other experts can contribute to the formulation of new rules.

Today, I commend Ms. Alvarado on the courage she has demonstrated over many years while seeking protection in the United States. I congratulate her and wish her all the best as she finally experiences true freedom from persecution and the full scope of liberties enjoyed by Americans.

A TRIBUTE TO ROBERT B. HEMLEY

Mr. LEAHY. Mr. President, last week, the Senate Judiciary Committee approved the media shield bill in a bipartisan vote of 14 to 5. This legislation would establish a qualified privilege for journalists to protect their confidential sources and the public's right to

know. At a time when the Senate is working to recognize the importance of protecting Americans' first amendment rights, I am proud to recognize a Burlington lawyer who was recently recognized by the Vermont Press Association for his lifetime commitment to the first amendment and the public's right to know.

On December 3, 2009, Robert B. Hemley was awarded the Matthew Lyon Award during the Association's annual awards banquet in Montpelier, Vermont. As a fellow Matthew Lyon Award recipient, I share with Robert a passion about the need for each generation to defend the first amendment rights that are so crucial to all Vermonters and to every American. Robert has worked to bring greater transparency and accountability to our government by representing journalists and newspapers in instances in which they were improperly forced to testify in violation of the first amendment, and by helping to create the Vermont Coalition for Open Government.

In each era there will always be much to do to bring greater openness and accountability to government of, by, and for the people. I am pleased to know Robert Hemley will continue to bring his expertise and dedication to this fight.

I ask unanimous consent to have printed in the RECORD an article from the St. Albans Messenger.

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

[From the St. Albans Messenger, Dec. 1, 2009]

BURLINGTON LAWYER WINS RECOGNITION FOR COMMITMENT TO FIRST AMENDMENT

MONTPELIER.—Burlington lawyer Robert B. Hemley has been selected to receive the Matthew Lyon Award for his lifetime commitment to the First Amendment and public's right to know the truth in Vermont.

The Vermont Press Association is scheduled to present the award to Hemley during its annual awards banquet at noon Thursday (Dec. 3) at the Capitol Plaza in Montpelier.

VPA President Bethany Dunbar, editor of the Chronicle in Barton, said Hemley has been a First Amendment leader in the fight against sealed public records, closed courtrooms and improper attempts to force reporters to testify in violation of the First Amendment. Hemley also has successfully defended the media against defamation and invasion-of-privacy lawsuits and other false claims.

The VPA created the award to honor people who have an unwavering devotion to the five freedoms within the First Amendment and to the belief that the public's right to know the truth is essential in a self-governed democracy.

The First Amendment award is named for the former Vermont congressman, who was jailed in 1798 under the Alien and Sedition Act for sending a letter to the editor criticizing President John Adams.

While Lyon was serving his federal sentence in a Vergennes jail, Vermonters reelected him to the U.S. House of Representatives. Hemley, who is a shareholder in the Gravel and Shea law firm, has been recruited to the write the Vermont section of the national guides on libel, privacy, and access for both the media Libel Resource Center and the Reporters' Committee for Freedom of the Press for more than 20 years.

He has shared his expertise and participated in various training sessions for judges, lawyers, the media and the public. He helped create the Vermont Coalition for Open Government and has been invited through the years by the Vermont Legislature to offer testimony on several First Amendment issues.

Hemley has represented: St. Albans Messenger, Burlington Free Press, Rutland Herald, Times Argus, Valley news, Bennington Banner, the Associated Press, United Press International, USA Today, New York Times, New York Daily News, along with WCAX–TV, Vermont Public Radio and several weekly newspapers, including in Randolph, Stowe, Waitsfield and Burlington.

Before arriving in Vermont in 1976, Hemley was an assistant U.S. Attorney for the Southern District of New York and also worked for a Wall Street law firm. He earned degrees from Amherst College and New York University Law School and is listed in the Best Lawyers in America. Hemley has chaired the District Court Advisory Committee for Vermont since 1993.

He lives in Burlington with his wife, Marcia, and they have three children: Amanda, an assistant state's attorney for Dade County, Fla.; Mark, who lives in Boston, and Ian, who attends school in Atlanta.

Previous Matthew Lyon winners include Patrick J. Leahy for his work as a state prosecutor and as a U.S. senator; and Edward J. Cashman for his efforts as Chittenden Superior Court clerk, a state prosecutor and state judge.

IRAN

Mr. LEVIN. Mr. President, I want to take a few moments today to comment on recent events in Iran, the continuing protests against that nation's ruling regime, the brutal response of that regime to the legitimate protests of Iran's people, and one small step the United States can and should take to aid the people of Iran in exercising the basic human right to protest and hold their own government accountable.

As my colleagues know well, student protests in Tehran and other cities took place on Dec. 7, Student Day, the anniversary of the 1953 attacks by the shah's security services that left three student protesters dead. Just as those students sought to protest against an unjust and repressive government, so did today's students. And again, Iran's government responded with intimidation, violence and repression.

Iranian security forces, and paramilitary militias allied with government hard-liners, used teargas, batons and beatings to attack nonviolent protesters on the campus of Tehran University and at other universities. The government's chief prosecutor told the state-controlled news agency—apparently without irony—''So far we have shown restraint,'' and threatened even harsher methods to end the protests.

Sadly, this is a recurring theme in Iran. Outraged by overwhelming evidence of fraud designed to keep President Ahmadinejad in power last June, students and other Iranians took to the streets. These nonviolent protests were met by the regime with escalating levels of brutality. According to a recent report from the human rights group Amnesty International, government-sponsored violence and repression in Iran since the election has reached the highest level in 20 years. Hundreds of people have been rounded up and imprisoned, often under appalling conditions, without access to legal representation or indeed any contact with the outside world. Iranian citizens, according to the report, were charged with vague offenses unconnected to any recognizable criminal charge under Iranian law.

More than 100 were paraded before cameras in show trials, with visible signs of abuse. The Amnesty International report includes evidence that the pace of executions by the Iranian government has increased, a clear and chilling message to the regime's critics. And citizens released from detention made credible and horrific charges of abuse while in custody, including allegations of the widespread use of rape.

This deplorable record is why I and six colleagues introduced a resolution last month, approved by this body, expressing the sense of the Senate that the government of Iran has routinely violated the human rights of its citizens, and calling on the Iranian government to fulfill its obligations under international law and its own constitution to honor and protect the fundamental rights to which its citizens, and all human beings, are entitled. We recognized the need for a strong statement of condemnation of the regime's behavior, and of solidarity with those Iranians seeking to exercise their right to protest. The Iranian government must know that the world is watching.

Mr. President, there is more the United States can do. I draw my colleagues' attention to a notice from the State Department that the administration will waive certain provisions of the Iran-Iraq Arms Nonproliferation Act of 1992 with respect to the export of personal, Internet-based communications tools to Iran. This is an important response to the Iranian government's crackdown on its people. The regime has sharply curtailed the actions of foreign media representatives in Iran, making independent observations of the situation there difficult or impossible to report. Much of what we know about the regime's repression has come from first-hand accounts by Iranian citizens, distributed via Internet tools such as YouTube and Twitter. These media outlets have become vital, not only to those of us outside Iran seeking information about events within the country, but to Iranian citizens seeking to communicate with one another. And they are especially important given the near total absence of independent news media in Iran. The regime has undertaken, even before the June election, a systematic effort to eliminate newspapers or broadcasters that report critically on the government's activities. And Iran's Revolutionary Guards, closely connected to government hardliners, have sought to add media and communication companies to its growing commercial empire,

tightening the regime's grip on communications within Iran.

The State Department recently notified Congress that it intends to waive provisions of our sanctions against Iran to allow Iranians to download free, mass-market software used in activities such as e-mail, instant messaging and social networking. According to the State Department, ''U.S. sanctions on Iran are having an unintended chilling effect on the ability of companies such as Microsoft and Google to continue providing essential communications tools to ordinary Iranians. This waiver will authorize free downloads to Iran of certain nominally dual-use software (because of low-level encryption elements) classified as mass market software by the Department of Commerce and essential for the exchange of personal communications and/or sharing of information over the internet.''

Granting of this waiver is an important step in ensuring that our actions here do not impede the attempts by Iranians to exercise their human rights. I applaud the administration for its decision, and hope the people of Iran will view this as one more sign of the solidarity between them and the people of the United States. I ask that a letter to me from Richard R. Verma, assistant secretary of state for legislative affairs, informing the Senate Armed Services Committee of this waiver decision, be printed in the RECORD.

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

U.S. DEPARTMENT OF STATE,
Washington, DC, December 15, 2009.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report is being provided consistent with Section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (P.L. 102–484) (the ''Act''). The Under Secretary of State has determined that the issuance of a license for a proposed export to Iran is ''essential to the national interest of the United States.'' The attached report provides a specific and detailed rationale for this determination. The waiver authority under Section 1606 of the Act will not be exercised until at least 15 days after this report is transmitted to the Congress.

The Department of State is recommending that the Department of Treasury's Office of Foreign Assets Control (OFAC) issue a general license that would authorize downloads of free mass market software by companies such as Microsoft and Google to Iran necessary for the exchange of personal communications and/or sharing of information over the Internet such as instant messaging, chat and email, and social networking. This software is necessary to foster and support the free flow of information to individual Iranian citizens and is therefore essential to the national interest of the United States.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

RICHARD R. VERMA,
Assistant Secretary, Legislative Affairs.

REPORT UNDER THE IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992

This report is being provided consistent with Section 1606 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (P.L. 102–484) (the ''Act''). Section 1603 of the Act applies with respect to Iran certain sanctions specified in paragraphs (1) through (4) of Section 586G(a) of the Iraq Sanctions Act of 1990 (P.L. 101–513) (the ''ISA''). This includes the requirement under Section 586G(a)(3) of the ISA to use the authorities of Section 6 of the Export Administration Act of 1979 (''EAA'') to prohibit the export to Iran of any goods or technology listed pursuant to Section 6 of the EAA or Section 5(c)(1) of the EAA on the control list provided for in Section 4(b) of the EAA, unless such export is pursuant to a contract in effect before the effective date of the Act (October 23, 1992).

Pursuant to Section 1606 of the Act, the President may waive the requirement to impose a sanction described in Section 1603 of the Act by determining that it is essential to the national interest of the United States to exercise such waiver authority. On September 27, 1994, the President delegated his authorities under the Act to the Secretary of State. Subsequently, on January 12, 2007, the Secretary of State delegated these authorities to the Under Secretary for Arms Control and International Security (DA 293–1).

Personal Internet-based communications are a vital tool for change in Iran as recent events have demonstrated. However, U.S. sanctions on Iran are having an unintended chilling effect on the ability of companies such as Microsoft and Google to continue providing essential communications tools to ordinary Iranians. This waiver will authorize free downloads to Iran of certain nominally dual-use software (because of low-level encryption elements) classified as mass market software by the Department of Commerce and essential for the exchange of personal communications and/or sharing of information over the Internet. The waiver will enable Treasury's Office of Foreign Assets Control to issue a broader general license covering these downloads and related services. This general license will be comparable to exemptions which already exist for the exchange of direct mail and phone calls. The new general license will specifically exclude from its authorization the direct or indirect exportation of services or software with knowledge or reason to know that such services or software are intended for the Government of Iran.

The Under Secretary has determined that it is essential to the national interest of the United States to exercise the authority of Section 1606 of the Act not to impose the sanction described in Section 1603 of the Act and Section 586(a)(3) of the ISA and to permit the issuance of a general license for this kind of software.

SLOVAKIA AND HUNGARY RELATIONS

Mr. CARDIN. Mr. President, in 1991, then-Czechoslovak President Vaclav Havel brought together his counterparts from Poland and Hungary. Taking inspiration from a 14th century meeting of Central European kings, these 20th century leaders returned to the same Danube town of Visegrad with a view to eliminating the remnants of the communist bloc in Central Europe; overcoming historic animosities between Central European countries; and promoting European integration.

Today, the Czech Republic, Hungary, Poland and Slovakia are together known as the Visegrad Group, and all four have successfully joined NATO and the European Union. They are anchors in the Trans-Atlantic alliance, and I am pleased to have had the opportunity to travel to all four of these countries where I have met with public officials, non-governmental representatives and ethnic and religious community leaders.

Unfortunately, it appears that some additional work is necessary to address one of the principal goals of the Visegrad Group; namely, overcoming historic animosities. In recent months, relations between Hungary and Slovakia have been strained. Having traveled in the region and having met with leaders from both countries during their recent visits to Washington, I would like to share a few observations.

First, an amendment to the Slovak language law, which was adopted in June and will enter into force in January, has caused a great deal of concern that the use of the Hungarian language by the Hungarian minority in Slovakia will be unduly or unfairly restricted. Unfortunately, that anxiety has been whipped up, in part, by a number of inaccurate and exaggerated statements about the law.

The amendment to the state language law only governs the use of the state language by official public bodies. These state entities may be fined if they fail to ensure that Slovak—the state language—is used in addition to the minority languages permitted by law. The amendment does not allow fines to be imposed on individuals, and certainly not for speaking Hungarian or any other minority language in private, contrary to what is sometimes implied.

The OSCE High Commissioner on National Minorities has been meeting with officials from both countries and summarized the Slovak law in his most recent report to the OSCE Permanent Council:

> The adopted amendments to the State Language Law pursue a legitimate aim, namely, to strengthen the position of the State language, and, overall, are in line with international standards. Some parts of the law, however, are ambiguous and may be misinterpreted, leading to a negative impact on the rights of persons belonging to national minorities.

Since the law has not yet come into effect, there is particular concern that even if the law itself is consistent with international norms, the implementation of the law may not be.

I am heartened that Slovakia and Hungary have continued to engage with one of the OSCE's most respected institutions—the High Commissioner on National Minorities—on this sensitive issue, and I am confident that their continued discussions will be constructive.

At the same time, I would flag a number of factors or developments that have created the impression that the Slovak Government has some hostility toward the Hungarian minority.

Those factors include but are not limited to the participation of the extremist Slovak National Party, SNS,

in the government itself; the SNS control of the Ministry of Education, one of the most sensitive ministries for ethnic minorities; the Ministry of Education's previous position that it would require Slovak-language place names in Hungarian language textbooks; the handling of the investigation into the 2006 Hedvig Malinova case in a manner that makes it impossible to have confidence in the results of the investigation, and subsequent threats to charge Ms. Malinova with perjury; and the adoption of a resolution by the parliament honoring Andrei Hlinka, notwithstanding his notorious and noxious anti-Hungarian, anti-Semitic, and anti-Roma positions.

All that said, developments in Hungary have done little to calm the waters. Hungary itself has been gripped by a frightening rise in extremism, manifested by statements and actions of the Hungarian Guard, the ''64 Counties'' movement, and the extremist party Jobbik, all of which are known for their irredentist, anti-Semitic, and anti-Roma postures. Murders and other violent attacks against Roma, repeated attacks by vandals on the Slovak Institute in Budapest, attacks on property in Budapest's Jewish quarter in September, and demonstrations which have blocked the border with Slovakia and where the Slovak flag is burned illustrate the extent to which the Hungarian social fabric is being tested.

Not coincidentally, both Hungary and Slovakia have parliamentary elections next year, in April and June respectively, and, under those circumstances, it may suit extremist elements in both countries just fine to have these sorts of developments: nationalists in Slovakia can pretend to be protecting Slovakia's language and culture—indeed, the very state—from the dangerous overreach of Hungarians. Hungarian nationalists—on both sides of the border—can pretend that Hungarian minorities require their singular protection—best achieved by remembering them come election day. Meanwhile, the vast majority of good-natured Slovaks and Hungarians, who have gotten along rather well for most of the last decade, may find their better natures overshadowed by the words and deeds of a vocal few.

In meetings with Slovak and Hungarian officials alike, I have urged my colleagues to be particularly mindful of the need for restraint in this pre-election season, and I have welcomed the efforts of those individuals who have chosen thoughtful engagement over mindless provocation. I hope both countries will continue their engagement with the OSCE High Commissioner on National Minorities, whom I believe can play a constructive role in addressing minority and other bilateral concerns.

ADDITIONAL STATEMENTS

REMEMBERING PIERRE PELHAM

• Mr. SHELBY. Mr. President, I pay tribute to Pierre Pelham, a former colleague of mine in the Alabama State Senate, who recently passed away. He was a personal friend and, along with his family, I mourn his passing.

A native of Chatom, AL, and a resident of Mobile, AL, Pierre was born on July 20, 1929, to Judge and Mrs. Joe M. Pelham, Jr. An incredibly bright student, he graduated Phi Beta Kappa from the University of Alabama and received his J.D. cum laude from Harvard Law School. During the Korean war, Pierre served as a captain in the Army and received both the Combat Infantryman Badge and Expert Infantryman Badge.

After his service in the Army, Pierre returned to Alabama and began to practice law. Described by many as brilliant, Pierre often took on cases that other lawyers did not want. One of his more interesting cases involved representing Aristotle Onassis' wife in her divorce from the wealthy shipping magnate.

In the 1960s, Pierre began to pursue his interest in politics. He served as the national campaign coordinator for Governor George Wallace and later as a delegate to the Democratic National Convention from Alabama's 1st Congressional District in 1960 and 1964. In 1966, Pierre was elected to serve in the Alabama State Senate. It was there that I had the distinct pleasure of working with him.

In 1970, Pierre was elected to serve as president pro tempore of the Senate. Pierre was renowned by our colleagues as an excellent orator and an exceptionally persuasive State senator. When word would spread around the State capitol that Pierre was speaking on the senate floor, it was not uncommon for the gallery to fill with spectators and for members of the House to cross over to the Senate to watch what would surely be an extraordinary speech. His articulation and command of the English language were simply captivating.

Although Pierre eventually retired from public life, as a fellow of Harvard's Kennedy Institute of Politics, he remained interested in national, State, and local affairs his entire life. Most people in Mobile will remember Pierre for his many contributions as a State senator to South Alabama, most notably his support for the creation of the University of South Alabama College of Medicine. I knew him to be honest, hardworking, and a committed State senator. He remained dedicated to his family and the people of Alabama throughout his life.

Pierre is loved and respected and will be missed by his wife Eva Pelham; his sons Marc Pelham and Joseph Pelham, IV; his daughters Pierrette Prestridge and Patrice Pelham; and 12 grandchildren. I ask the entire Senate to join me in recognizing and honoring the life of my friend, Pierre Pelham.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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 nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 3288. An act 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.

At 3:39 p.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 bill, with an amendment, in which it requests the concurrence of the Senate:

S. 303. A bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

ENROLLED JOINT RESOLUTION SIGNED

At 6:13 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 joint resolution:

H.J. Res. 62. Joint resolution appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. REID).

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–4014. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Atlantic Low Offshore Airspace Area; East Coast United States'' ((RIN2120–AA66)(Docket No. FAA–2008–1170)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4015. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Amendment of the South Florida Low Offshore Airspace Area; Florida'' ((RIN2120–AA66)(Docket No. FAA–2008–1167)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4016. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace; Fort Stewart (Hinesville), GA'' ((RIN2120–AA66)(Docket No. FAA–2009–0959)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4017. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Jackson, AL'' ((RIN2120–AA66)(Docket No. FAA–2009–0937)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4018. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mountain City, TN'' ((RIN2120–AA66)(Docket No. FAA–2009–0061)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4019. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Fort A.P. Hill, VA'' ((RIN2120–AA66)(Docket No. FAA–2009–0739)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4020. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Hinesville, GA'' ((RIN2120–AA66)(Docket No. FAA–2009–0960)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4021. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0784)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4022. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S–92A Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2009–1130)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4023. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B2–1C, A300 B2–203, A300 B2K–3C, A300 B4–103, A300 B4–203, and A300 B4–2C Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0055)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4024. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–400, DHC–8–401, and DHC–8–402 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1106)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4025. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. LTS101 Series Turboshaft and LTP101 Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. FAA–2008–1019)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4026. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Saab Aerosystem Model SAAB 2000 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0654)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4027. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DG Flugzeugbau GmbH Models DG–500 MB, DG–808C and DG–800B Gliders'' ((RIN2120–AA64)(Docket No. FAA–2009–1103)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4028. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company (GE) CF34–1A, CF34–3A, and CF34–3B Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–0328)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4029. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0886)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4030. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Model 525A Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1096)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4031. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–500 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0870)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4032. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Model TAE 125–01 Reciprocating Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–0753)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4033. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Vulcanair S.p.A. Models P 68, P 68B, P 68C, P 68C–TC, and P 68 ''OBSERVER'' Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0869)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4034. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0915)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4035. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Inc. Model CL–600–2C10 (Regional Jet Series 700, 701 and 702), CL–600–2D15 (Regional Jet Series 705), and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1075)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4036. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8D–7, –7A, –7B, –9, –9A, –11, –15, and –17 Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–0317)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4037. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Scheibe–Flugzeugbau GmbH Models Bergfalke–III, Bergfalke–II/55, SF 25C, and SF–26A Standard Gliders'' ((RIN2120–AA64)(Docket No. FAA–2009–0800)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4038. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318–111 and –112 Series Airplanes, and Model A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1073)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4039. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce plc RB211–Trent 800 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2009–0674)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4040. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing 737–600, –700, –700C, and –800 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0411)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4041. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–50C Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2006–24171)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4042. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777–200, –200LR, –300, and –300ER Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0571)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4043. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Models 58, 58A, 58P, 58PA, 58TC, 58TCA, 95–B55, 95–B55A, A36, A36TC, B36TC, E55, E55A, F33A, and V35B Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0797)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4044. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–14, DC–9–15, and DC–9–15F, Airplanes; and McDonnell Douglas Model DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0658)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4045. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ZLT Zeppelin Luftschifftechnik GmbH and Co KG Model LZ N07–100 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0868)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4046. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0379)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4047. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2A12 (CL–601) and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0565)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4048. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–200B, 747–200C, and 747–200F, and 747SR Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0553)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4049. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2C10 (Regional Jet Series 700 and 701) Airplanes and CL–600–2D24 (Regional Jet Series 900) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0436)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4050. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Inc. Model 45 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0719)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4051. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Twin Commander Aircraft LLC Models 690, 690A, and 690B Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0778)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4052. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; 328 Support Services GmbH (Dornier) Model 328–100 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1074)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4053. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Lockheed Model L–1011 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1022)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4054. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell International Inc. LTS101 Series Turboshaft and LTP101 Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. FAA–2008–1019)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4055. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200 and –300 Series Airplanes; and Model A340–200 and –300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1092)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC–4056. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Removal of Regulations Allowing for Polished Frost'' ((RIN2120–AJ09)(Docket No. FAA–2007–29281)) received in the Office of the President of the Senate on December 10, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 705. A bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes (Rept. No. 111–107).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1067. A bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes (Rept. No. 111–108).

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. KERRY (for himself, Mr. DURBIN, Mr. HARKIN, Mr. SCHUMER, Mr. MENENDEZ, Mr. BROWN, and Mr. KIRK):

S. 2882. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Finance.

By Mr. JOHANNS:

S. 2883. A bill to amend the Internal Revenue Code of 1986 to provide for the distribution of remaining balances in flexible spending arrangements upon termination from employment; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. VOINOVICH, and Mr. AKAKA):

S. 2884. A bill 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; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEMIEUX:

S.J. Res. 22. A joint resolution proposing an amendment to the Constitution of the United States relative to requiring a balanced budget and granting the President of the United States the power of line-item veto; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 418

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 418, a bill to require secondary metal recycling agents to keep records of their transactions in order to deter individuals and enterprises engaged in the theft and interstate sale of stolen secondary metal, and for other purposes.

S. 471

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 471, a bill to amend the Education Sciences Reform Act of 2002 to require the Statistics Commissioner to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 583

At the request of Mr. PRYOR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 619, a bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.

S. 765

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to not impose a penalty for failure to disclose reportable transactions when there is reasonable cause for such failure, to modify such penalty, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1121

At the request of Mr. HARKIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1121, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the repair, renovation, and construction of elementary and secondary schools, including early learning facilities at the elementary schools.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1749

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 2729

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2729, a bill to reduce greenhouse gas emissions from uncapped domestic sources, and for other purposes.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2781

At the request of Ms. MIKULSKI, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2781, a bill to change references in Federal law to mental retardation to references to an intellectual disability, and to change references to a mentally retarded individual to references to an individual with an intellectual disability.

S. 2812

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 2812, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and for other purposes.

S. 2847

At the request of Mr. WHITEHOUSE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2847, a bill to regulate the volume of audio on commercials.

S. 2853

At the request of Mr. GREGG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

S. 2869

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. BOXER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2869, a bill to increase loan limits for small business concerns, to provide for low interest refinancing for small business concerns, and for other purposes.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

AMENDMENT NO. 2790

At the request of Mr. CASEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor 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. 2804

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 2804 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. 2827

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2827 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 name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor 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. 2903

At the request of Ms. SNOWE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2903 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 name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor 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. 2947

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of amendment No. 2947 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. 3037

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3037 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. 3119

At the request of Mr. WARNER, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Ms. MIKULSKI), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3119 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. 3136

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3136 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. 3156

At the request of Mr. LAUTENBERG, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 3156 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. 3203

At the request of Mr. BAYH, the names of the Senator from Massachusetts (Mr. KIRK) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 3203 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 INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. DURBIN, Mr. HARKIN, Mr. SCHUMER, Mr. MENENDEZ, Mr. BROWN, and Mr. KIRK):

S. 2882. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to the treatment of individuals as independent contractors or employees, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing the Taxpayer Responsibility, Accountability and Consistency Act of 2009 which will provide a level playing field to America's workers to ensure they are afforded protections already in the law, such as workers' compensation, Social Security, Medicare, payment of overtime, unemployment compensation, and the minimum wage. This legislation is cosponsored by Senators DURBIN, HARKIN, SCHUMER, BROWN, MENENDEZ, and KIRK.

Under current law, employers are required to take certain actions on behalf of their employees including withholding income taxes, paying Social Security and Medicare taxes, paying for unemployment insurance, and providing a safe and nondiscriminatory workplace. Employers are not required to undertake these obligations for independent contractors. When workers are misclassified, businesses that play by the rules lose business to competitors that do not play by the rules and workers lose valuable rights and protections.

The Internal Revenue Service, IRS, currently uses a common law test to determine whether a worker is an employee or independent contractor. Unfortunately, a loophole exists which allows a business to escape liability for misclassifying employees as independent contractors. Furthermore, there is statutory prohibition on the IRS providing guidance through regulation on employee classification.

Federal and State revenue is lost when businesses misclassify their workers as independent contractors. A study estimated that, between 1996 and 2004, $34.7 billion of Federal tax revenues went uncollected due to the misclassification of workers and the tax loopholes that allow it. Recent GAO and Treasury Inspector General reports have cited misclassification as posing significant concerns for workers, their employers, and government revenue.

A study commissioned by the U.S. Department of Labor in 2000 found that up to 30 percent of firms misclassify their employees as independent contractors. State studies also show that misclassification is on the rise. In Massachusetts, the rate of misclassification has grown from 8.4 percent in 1995 through 1997 to a rate of 13.4 percent in 2001 through 2003.

Misclassification is more rampant than studies indicate. Studies cannot adequately capture the ''underground economy,'' where workers are paid off the books, often in cash. Unreported cash is one aspect of this problem and it is difficult for the IRS to discover because employers have no record of pay.

States have been leading the way in documenting and recovering taxes related to the misclassification of workers. In the Commonwealth of Massachusetts, Governor Deval Patrick has

tackled this issue head on and created an interagency task force on the underground economy and employee misclassification. The purpose of the task force is to gather information and assess current enforcement resources in an effort to improve current enforcement methods.

The Federal Government needs to follow the lead of the States by addressing the current safe harbor. The determination of whether an employer-employee relationship exists for federal tax purposes is made under a common-law test that has been incorporated into specific provisions of the Internal Revenue Code or is required to be used pursuant to Treasury regulations.

In 1987, based on an examination of cases and rulings, the Internal Revenue Service developed a list of 20 factors for determining whether an employer-employee relationship exists. The IRS recognizes that there may be relevant factors in addition to the 20 factors. Most recently, the IRS has structured its inquiry into three groupings: behavioral control, financial control, and the relationship of the worker and firm.

Section 530 of the Revenue Act of 1978 generally allows taxpayers to treat a worker as not being an employee for employment tax purposes, regardless of the worker's actual status under the common law test, unless the taxpayer has no reasonable basis for such treatment or fails to meet certain requirements. Section 530 is commonly referred to as a ''safe harbor.'' This provision was initially enacted for a year to give Congress time to resolve these complex issues. In 1982, the safe harbor provision was made permanent.

The Taxpayer Responsibility, Accountability and Consistency Act of 2009 would address the current loophole by requiring information reporting and making changes to the safe harbor. It would require businesses that pay any amount greater than $600 during the year to corporate providers of property and services to file an information report with each provider and with the IRS. A similar provision has been proposed by both Presidents Obama and Bush. This provision will ensure that contractor income is accurately reported in order to prevent fraudulent underpayment of taxes.

The Taxpayer Responsibility, Accountability and Consistency Act of 2009 revises the safe harbor and makes it part of the Internal Revenue Code of 1986. The safe harbor would continue to be available to employers for purposes of shielding them from liability, but it will be narrowed to reduce abuses and to ensure they had a genuinely reasonable basis for not treating such individual as an employee. Under the Taxpayer Responsibility, Accountability and Consistency Act of 2009, an employer shall be treated as having a reasonable basis for treating an individual as an independent contractor only if the decision was based on a written determination by the IRS to the taxpayer addressing the employment status of such individual or another individual holding a substantially similar position with the taxpayer, or a concluded employment tax examination by the IRS.

The current safe harbor would continue to apply to services rendered up to one year after the date of enactment; after that, the new safe harbor would apply to services rendered more than one year after the date of enactment.

I urge my colleagues to cosponsor the Taxpayer Responsibility, Accountability and Consistency Act of 2009 which will provide valuable protections to workers who are erroneously misclassified and help combat the underground economy.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3219. Mr. CARDIN 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 3220. Mr. RISCH 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 3221. Mr. WYDEN (for himself 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 3222. Mr. FEINGOLD 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 3223. Mr. CRAPO 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 3224. Mr. CRAPO 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 3225. Mr. LEMIEUX 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 3226. 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 3227. Mr. CARDIN 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 3228. Ms. LANDRIEU (for herself, Mr. WARNER, and Mr. AKAKA) 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 3229. Mr. CRAPO 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 3230. Mr. CRAPO 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 3231. Mr. CRAPO 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 3232. Mr. BYRD 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 3233. Mr. BYRD 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 3234. 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 3235. 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 3236. Mr. KOHL 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 3237. Mr. BURRIS 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 3238. Mr. ROCKEFELLER (for himself, Mr. KOHL, Mr. CARPER, 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 3239. Mr. ROCKEFELLER (for himself, Ms. COLLINS, and Mr. KOHL) 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 3240. Mr. ROCKEFELLER (for himself, Mr. LIEBERMAN, Mr. WHITEHOUSE, and Mr. BINGAMAN) 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 3241. Mr. CARPER (for himself, Mr. CONRAD, 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.

TEXT OF AMENDMENTS

SA 3219. Mr. CARDIN 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. 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

(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) 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.

(c) REQUIREMENTS OF NOTICE OF DETERMINATIONS.—The written notice of a denial of a claim for benefits determination under subsection (b) 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.

(d) 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)(I) such services will be provided without imposing any requirement under the plan for prior authorization of services or any limitation on coverage where the provider of services does not have a contractual relationship with the plan for the providing of services that is more restrictive than the requirements or limitations that apply to emergency department services received from providers who do have such a contractual relationship with the plan; and

(II) if such services are provided out-of-network, the cost-sharing requirement (expressed as a copayment amount or coinsurance rate) is the same requirement that would apply if such services were provided in-network;

(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;

(C) to override any State licensure or scope-of-practice law; or

(D) to override the normal community standards, taking into account the geographic location of such community, regarding timely access to specialists.

(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 nonparticipating 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, if such specialist 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.

(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. Such professional shall agree to otherwise 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.

(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 3220. Mr. RISCH 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 182, strike line 20 and all that follows through line 4 on page 183, and insert the following:

(3) STATE OPTION TO OPT-OUT OF NEW FEDERAL PROGRAM AND REQUIREMENTS.—

(A) IN GENERAL.—In accordance with this paragraph, a State may elect for the provisions of this Act to not apply within such State to the extent that such provisions violate the protections described in subparagraph (B).

(B) EFFECT OF OPT-OUT.—In the case of a State that makes an election under subparagraph (A)—

(i) the residents of such State shall not be subject to any requirement under this Act, including tax provisions or penalties, that would otherwise require such residents to purchase health insurance;

(ii) the employers located in such State shall not be subject to any requirement under this Act, including tax provisions or penalties, that would otherwise require such employers to provide health insurance to their employees or make contributions relating to health insurance;

(iii) the residents of such State shall not be prohibited under this Act from receiving health care services from any provider of health care services under terms and conditions subject to the laws of such State and mutually acceptable to the patient and the provider;

(iv) the residents of such State shall not be prohibited under this Act from entering into a contract subject to the laws of such State

with any group health plan, health insurance issuer, or other business, for the provision of, or payment to other parties for, health care services;

(v) the eligibility of residents of such State for any program operated by or funded wholly or partly by the Federal Government shall not be adversely affected as a result of having received services in a manner consistent with clauses (iii) and (iv);

(vi) the health care providers within such State shall not be denied participation in or payment from a Federal program for which they would otherwise be eligible as a result of having provided services in a manner consistent with clauses (iii) and (iv); and

(vii) States that elect to opt out shall not be subject to the taxes and fees enumerated in the amendments made by title IX.

(C) PROCESS.—

(i) IN GENERAL.—A State shall be treated as making an election under subparagraph (a) if—

(I) the Governor of such State provides timely and appropriate notice to the Secretary of Health and Human Services notifying the Secretary that the State is making such election; or

(II) such State enacts a law making such election.

Such notice shall be provided at least 180 days before the election is to become effective.

(ii) REVOCATION OF ELECTION.—A State shall be treated as revoking an election made by the State under subparagraph (A) if—

(I) the Governor of such State provides timely and appropriate notice to the Secretary of Health and Human Services of such revocation; or

(II) such State repeals a law described in subparagraph (i)(II).

Such notice of revocation shall be provided at least 180 days before the date the revocation is to become effective. As of such effective date the State and the residents, employers, and health insurance issuers of such State, shall be treated as if the election under subparagraph (A) had not been made.

SA 3221. Mr. WYDEN (for himself 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, 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 1203, between lines 16 and 17, insert the following:

SEC. 4109. IMPROVING ACCESS TO CLINICAL TRIALS.

(a) FINDINGS.—Congress finds the following:

(1) Advances in medicine depend on clinical trial research conducted at public and private research institutions across the United States.

(2) The challenges associated with enrolling participants in clinical research studies are especially difficult for studies that evaluate treatments for rare diseases and conditions (defined by the Orphan Drug Act as a disease or condition affecting fewer than 200,000 Americans), where the available number of willing and able research participants may be very small.

(3) In accordance with ethical standards established by the National Institutes of Health, sponsors of clinical research may provide payments to trial participants for out-of-pocket costs associated with trial enrollment and for the time and commitment demanded by those who participate in a study. When offering compensation, clinical trial sponsors are required to provide such payments to all participants.

(4) The offer of payment for research participation may pose a barrier to trial enrollment when such payments threaten the eligibility of clinical trial participants for Supplemental Security Income and Medicaid benefits.

(5) With a small number of potential trial participants and the possible loss of Supplemental Security Income and Medicaid benefits for many who wish to participate, clinical trial research for rare diseases and conditions becomes exceptionally difficult and may hinder research on new treatments and potential cures for these rare diseases and conditions.

(b) EXCLUSION FOR COMPENSATION FOR PARTICIPATION IN CLINICAL TRIALS FOR RARE DISEASES OR CONDITIONS.—

(1) EXCLUSION FROM INCOME.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(A) by striking ''and'' at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting ''; and''; and

(C) by adding at the end the following:

''(26) the first $2,000 received during a calendar year by such individual (or such spouse) as compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition (as defined in section 5(b)(2) of the Orphan Drug Act), but only if the clinical trial—

''(A) has been reviewed and approved by an institutional review board that is established—

''(i) to protect the rights and welfare of human subjects participating in scientific research; and

''(ii) in accord with the requirements under part 46 of title 45, Code of Federal Regulations; and

''(B) meets the standards for protection of human subjects as provided under part 46 of title 45, Code of Federal Regulations.''.

(2) EXCLUSION FROM RESOURCES.—Section 1613(a) of the Social Security Act (42 U.S.C. 1382b(a)) is amended—

(A) by striking ''and'' at the end of paragraph (15);

(B) by striking the period at the end of paragraph (16) and inserting ''; and''; and

(C) by inserting after paragraph (16) the following:

''(17) any amount received by such individual (or such spouse) which is excluded from income under section 1612(b)(26) (relating to compensation for participation in a clinical trial involving research and testing of treatments for a rare disease or condition).''.

(3) MEDICAID EXCLUSION.—

(A) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)), as amended by section 2002(a), is amended by adding at the end the following:

''(15) EXCLUSION OF COMPENSATION FOR PARTICIPATION IN A CLINICAL TRIAL FOR TESTING OF TREATMENTS FOR A RARE DISEASE OR CONDITION.—The first $2,000 received by an individual (who has attained 19 years of age) as compensation for participation in a clinical trial meeting the requirements of section 1612(b)(26) shall be disregarded for purposes of determining the income eligibility of such individual for medical assistance under the State plan or any waiver of such plan.''.

(B) CONFORMING AMENDMENT.—Section 1902(a)(17) of such Act (42 U.S.C. 1396a(a)(17)), as amended by section 2002(b), is amended by inserting ''(e)(15),'' before ''(l)(3)''.

(4) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is the earlier of—

(A) the effective date of final regulations promulgated by the Commissioner of Social Security to carry out this section and such amendments; or

(B) 180 days after the date of enactment of this Act.

(5) SUNSET PROVISION.—This section and the amendments made by this section are repealed on the date that is 5 years after the date of the enactment of this Act.

(c) STUDY AND REPORT.—

(1) STUDY.—Not later than 36 months after the effective date of this section, the Comptroller General of the United States shall conduct a study to evaluate the impact of this section on enrollment of individuals who receive Supplemental Security Income benefits under title XVI of the Social Security Act (referred to in this section as ''SSI beneficiaries'') in clinical trials for rare diseases or conditions. Such study shall include an analysis of the following:

(A) The percentage of enrollees in clinical trials for rare diseases or conditions who were SSI beneficiaries during the 3-year period prior to the effective date of this section as compared to such percentage during the 3-year period after the effective date of this section.

(B) The range and average amount of compensation provided to SSI beneficiaries who participated in clinical trials for rare diseases or conditions.

(C) The overall ability of SSI beneficiaries to participate in clinical trials.

(D) Any additional related matters that the Comptroller General determines appropriate.

(2) REPORT.—Not later than 12 months after completion of the study conducted under paragraph (1), the Comptroller General shall submit to Congress a report containing the results of such study, together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

SA 3222. Mr. FEINGOLD 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 1525, between lines 21 and 22, insert the following:

(iv) USE OF EXISTING DATA AND STATISTICS AND NEW DATA AND METHODOLOGIES.—In carrying out the responsibilities described in subclauses (I) through (III) of clause (iii), the Institute designated under clause (i)(II) shall identify, select, and incorporate existing data and statistics as well as new data and methodologies that would synthesize, expand, augment, improve, and modernize statistical measures to provide more accurate, transparent, coherent, and comprehensive assessments.

SA 3223. Mr. CRAPO 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. 2721. INCREASED PAYMENTS TO PRIMARY CARE PRACTITIONERS UNDER MEDICAID.

(a) IN GENERAL.—

(1) FEE-FOR-SERVICE PAYMENTS.—Section 1902 of the Social Security Act (42 U.S.C. 1396b), as amended by section 2001(b)(2), is amended—

(A) in subsection (a)(13)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by adding ''and'' at the end of subparagraph (B); and

(iii) by adding at the end the following new subparagraph:

''(C) payment for primary care services (as defined in subsection (hh)(1)) furnished by physicians (or for services furnished by other health care professionals that would be primary care services under such section if furnished by a physician) at a rate not less than 80 percent of the payment rate that would be applicable if the adjustment described in subsection (hh)(2) were to apply to such services and physicians or professionals (as the case may be) under part B of title XVIII for services furnished in 2010, 90 percent of such adjusted payment rate for services and physicians (or professionals) furnished in 2011, or 100 percent of such adjusted payment rate for services and physicians (or professionals) furnished in 2012 and each subsequent year;''; and

(B) by adding at the end the following new subsection:

''(hh) INCREASED PAYMENT FOR PRIMARY CARE SERVICES.—For purposes of subsection (a)(13)(C):

''(1) PRIMARY CARE SERVICES DEFINED.—The term 'primary care services' means evaluation and management services, without regard to the specialty of the physician furnishing the services, that are procedure codes (for services covered under title XVIII) for services in the category designated Evaluation and Management in the Health Care Common Procedure Coding System (established by the Secretary under section 1848(c)(5) as of December 31, 2009, and as subsequently modified by the Secretary).

''(2) ADJUSTMENT.—The adjustment described in this paragraph is the substitution of 1.25 percent for the update otherwise provided under section 1848(d)(4) for each year beginning with 2010.''.

(2) UNDER MEDICAID MANAGED CARE PLANS.—Section 1932(f) of such Act (42 U.S.C. 1396u–2(f)) is amended—

(A) in the heading, by adding at the end the following: ''; ADEQUACY OF PAYMENT FOR PRIMARY CARE SERVICES''; and

(B) by inserting before the period at the end the following: ''and, in the case of primary care services described in section 1902(a)(13)(C), consistent with the minimum payment rates specified in such section (regardless of the manner in which such payments are made, including in the form of capitation or partial capitation)''.

(b) INCREASED FMAP.—Section 1905 of such Act (42 U.S.C. 1396d), as amended by sections 2006 and 4107(a)(2), is amended

(1) in the first sentence of subsection (b), by striking ''and'' before ''(4)'' and by inserting before the period at the end the following: '', and (5) 100 percent for periods beginning with 2015 with respect to amounts described in subsection (cc)''; and

(2) by adding at the end the following new subsection:

''(cc) For purposes of section 1905(b)(5), the amounts described in this subsection are the following:

''(1)(A) The portion of the amounts expended for medical assistance for services described in section 1902(a)(13)(C) furnished on or after January 1, 2010, that is attributable to the amount by which the minimum payment rate required under such section (or, by application, section 1932(f)) exceeds the payment rate applicable to such services under the State plan as of June 16, 2009.

''(B) Subparagraph (A) shall not be construed as preventing the payment of Federal financial participation based on the Federal medical assistance percentage for amounts in excess of those specified under such subparagraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2010.

SA 3224. Mr. CRAPO 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. SUBMISSION OF DATA FOR PHYSICIAN ADMINISTERED DRUGS.

(a) EXTENSION FOR IMPLEMENTATION OF REQUIREMENT FOR HOSPITALS TO SUBMIT UTILIZATION DATA.—Section 1927(a)(7) of the Social Security Act (42 U.S.C. 1396r–8(a)(7)) is amended—

(1) in subparagraph (A), by inserting ''in non-hospital settings and on or after August 1, 2010, in hospitals'' after ''January 1, 2006,'';

(2) in subparagraph (B)(ii), by inserting ''in non-hospital settings and on or after August 1, 2010, in hospitals'' after ''January 1, 2008,''; and

(3) in subparagraph (C), by inserting ''(August 1, 2010, in the case of hospital information),'' after ''January 1, 2007,''.

(b) PROPORTIONAL REBATES FOR DUAL ELIGIBLE CLAIMS.—Section 1927(a)(7) of the Social Security Act (42 U.S.C. 1396r–8)(a)(7)) is amended by adding at the end the following new subparagraph:

''(E) TEMPORARY ADJUSTMENT TO REBATE CALCULATION FOR DUAL ELIGIBLE CLAIMS.—Only with respect to claims for rebates submitted by States to manufacturers during the 2-year period that begins on the date of enactment of this subparagraph, for purposes of calculating the amount of rebate under subsection (c) for a rebate period for a covered outpatient drug for which payment is made under a State plan or waiver under this title and under part B of title XVIII, the total number of units reported by the State of each dosage form and strength of each such drug paid for under the State plan or waiver under this title during such rebate period is deemed to be equal to the product of—

''(i) such total number of units of such drug for which payment is made under the State plan or waiver under this title and under part B of title XVIII; and

''(ii) the proportion (expressed as a percentage) that the amount the State paid for each dosage form and strength of such drug under the State plan or waiver under this title during such rebate period bears to the amount that the State would have paid for each dosage form and strength of such drug under the State plan or waiver under this title during such rebate period if the State were the sole payer for such dosage form and strength of such drug.''.

SA 3225. Mr. LEMIEUX 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 VI, insert the following:

SEC. ____. ESTABLISHMENT OF OFFICE OF DEPUTY SECRETARY FOR HEALTH CARE FRAUD PREVENTION IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; APPOINTMENT AND POWERS OF DEPUTY SECRETARY.

(a) IN GENERAL.—There is hereby established in the Department of Health and Human Services the Office of the Deputy Secretary for Health Care Fraud Prevention (referred to in this section as the ''Office'').

(b) DUTIES OF THE OFFICE.—The Office shall—

(1) direct the appropriate implementation within the Department of Health and Human Services of health care fraud prevention and detection recommendations made by Federal Government and private sector antifraud and oversight entities;

(2) routinely consult with the Office of the Inspector General for the Department of Health and Human Services, the Attorney General, and private sector health care antifraud entities to identify emerging health care fraud issues requiring immediate action by the Office;

(3) through a fixed fee for implementation and maintenance plus results-based contingency fee contract entered into with an entity that has experience in designing and implementing antifraud systems in the financial sector and experience and knowledge of the various service delivery and reimbursement models of Federal health programs, provide for the design, development, and operation of a predictive model antifraud system (in accordance with subsection (d)) to analyze health care claims data in real-time to identify high risk claims activity, develop appropriate rules, processes, and procedures and investigative research approaches, in coordination with the Office of the Inspector General for the Department of Health and Human Services, based on the risk level assigned to claims activity, and develop a comprehensive antifraud database for health care activities carried out or managed by Federal health agencies;

(4) promulgate and enforce regulations relating to the reporting of data claims to the health care antifraud system developed under paragraph (3) by all Federal health agencies;

(5) establish thresholds, in consultation with the Office of the Inspector General of the Department of Health and Human Services and the Department of Justice—

(A) for the amount and extent of claims verified and designated as fraudulent, wasteful, or abusive through the fraud prevention system developed under paragraph (3) for excluding providers or suppliers from participation in Federal health programs; and

(B) for the referral of claims identified through the health care fraud prevention

system developed under paragraph (3) to law enforcement entities (such as the Office of the Inspector General, Medicaid Fraud Control Units, and the Department of Justice); and

(6) share antifraud information and best practices with Federal health agencies, health insurance issuers, health care providers, antifraud organizations, antifraud databases, and Federal, State, and local law enforcement and regulatory agencies.

(c) DEPUTY SECRETARY FOR HEALTH CARE FRAUD PREVENTION.—

(1) ESTABLISHMENT.—There is established within the Department of Health and Human Services the position of Deputy Secretary for Health Care Fraud Prevention (referred to in this section as the ''Deputy Secretary''). The Deputy Secretary shall serve as the head of the Office, shall act as the chief health care fraud prevention and detection officer of the United States, and shall consider and direct the appropriate implementation of recommendations to prevent and detect health care fraud, waste, and abuse activities and initiatives within the Department.

(2) APPOINTMENT.—The Deputy Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and serve for a term of 5 years, unless removed prior to the end of such term for cause by the President.

(3) POWERS.—Subject to oversight by the Secretary, the Deputy Secretary shall exercise all powers necessary to carry out this section, including the hiring of staff, entering into contracts, and the delegation of responsibilities to any employee of the Department of Health and Human Services or the Office appropriately designated for such responsibility.

(4) DUTIES.—

(A) IN GENERAL.—The Deputy Secretary shall—

(i) establish and manage the operation of the predictive modeling system developed under subsection (b)(3) to analyze Federal health claims in real-time to identify high risk claims activity and refer risky claims for appropriate verification and investigative research;

(ii) consider and order the appropriate implementation of fraud prevention and detection activities, such as those recommended by the Office of the Inspector General of the Department of Health and Human Services, the Government Accountability Office, MedPac, and private sector health care antifraud entities;

(iii) not later than 6 months after the date on which he or she is initially appointed, submit to Congress an implementation plan for the health care fraud prevention systems under subsection (d); and

(iv) submit annual performance reports to the Secretary and Congress that, at minimum, shall provide an estimate of the return on investment with respect to the system, for all recommendations made to the Deputy Secretary under this section, a description of whether such recommendations are implemented or not implemented, and contain other relevant performance metrics.

(B) ANALYSIS AND RECOMMENDATIONS.—The Deputy Secretary shall provide required strategies and treatments for claims identified as high risk (including a system of designations for claims, such as ''approve'', ''decline'', ''research'', and ''educate and pay'') to the Centers for Medicare & Medicaid Services, other Federal and State entities responsible for verifying whether claims identified as high risk are payable, should be automatically denied, or require further research and investigation.

(C) LIMITATION.—The Deputy Secretary shall not have any criminal or civil enforcement authority otherwise delegated to the Office of Inspector General of the Department of Health and Human Services or the Attorney General.

(5) REGULATIONS.—The Deputy Secretary shall promulgate and enforce such rules, regulations, orders, and interpretations as the Deputy Secretary determines to be necessary to carry out the purposes of this section. Such authority shall be exercised as provided under section 553 of title 5, United States Code.

(d) HEALTH CARE FRAUD PREVENTION SYSTEM.—

(1) IN GENERAL.—The fraud prevention system established under subsection (b)(3) shall be designed as follows:

(A) IN GENERAL.—The fraud prevention system shall—

(i) be holistic;

(ii) be able to view all provider and patient activities across all Federal health program payers;

(iii) be able to integrate into the existing health care claims flow with minimal effort, time, and cost;

(iv) be modeled after systems used in the Financial Services industry; and

(v) utilize integrated real-time transaction risk scoring and referral strategy capabilities to identify claims that are statistically unusual.

(B) MODULARIZED ARCHITECTURE.—The fraud prevention system shall be designed from an end-to-end modularized perspective to allow for ease of integration into multiple points along a health care claim flow (pre- or post-adjudication), which shall—

(i) utilize a single entity to host, support, manage, and maintain software-based services, predictive models, and solutions from a central location for the customers who access the fraud prevention system;

(ii) allow access through a secure private data connection rather than the installation of software in multiple information technology infrastructures (and data facilities);

(iii) provide access to the best and latest software without the need for upgrades, data security, and costly installations;

(iv) permit modifications to the software and system edits in a rapid and timely manner;

(v) ensure that all technology and decision components reside within the module; and

(vi) ensure that the third party host of the modular solution is not a party, payer, or stakeholder that reports claims data, accesses the results of the fraud prevention systems analysis, or is otherwise required under this section to verify, research, or investigate the risk of claims.

(C) PROCESSING, SCORING, AND STORAGE.—The platform of the fraud prevention system shall be a high volume, rapid, real-time information technology solution, which includes data pooling, data storage, and scoring capabilities to quickly and accurately capture and evaluate data from millions of claims per day. Such platform shall be secure and have (at a minimum) data centers that comply with Federal and State privacy laws.

(D) DATA CONSORTIUM.—The fraud prevention system shall provide for the establishment of a centralized data file (referred to as a ''consortium'') that accumulates data from all government health insurance claims data sources. Notwithstanding any other provision of law, Federal health care payers shall provide to the consortium existing claims data, such as Medicare's ''Common Working File'' and Medicaid claims data, for the purpose of fraud and abuse prevention. Such accumulated data shall be transmitted and stored in an industry standard secure data environment that complies with applicable Federal privacy laws for use in building medical waste, fraud, and abuse prevention predictive models that have a comprehensive view of provider activity across all payers (and markets).

(E) MARKET VIEW.—The fraud prevention system shall ensure that claims data from Federal health programs and all markets flows through a central source so the waste, fraud, and abuse system can look across all markets and geographies in health care to identify fraud and abuse in Medicare, Medicaid, the State Children's Health Program, TRICARE, and the Department of Veterans Affairs, holistically. Such cross-market visibility shall identify unusual provider and patient behavior patterns and fraud and abuse schemes that may not be identified by looking independently at one Federal payer's transactions.

(F) BEHAVIOR ENGINE.—The fraud prevention system shall ensure that the technology used provides real-time ability to identify high-risk behavior patterns across markets, geographies, and specialty group providers to detect waste, fraud, and abuse, and to identify providers that exhibit unusual behavior patterns. Behavior pattern technology that provides the capability to compare a provider's current behavior to their own past behavior and to compare a provider's current behavior to that of other providers in the same specialty group and geographic location shall be used in order to provide a comprehensive waste, fraud, and abuse prevention solution.

(G) PREDICTIVE MODEL.—The fraud prevention system shall involve the implementation of a statistically sound, empirically derived predictive modeling technology that is designed to prevent (versus post-payment detect) waste, fraud, and abuse. Such prevention system shall utilize historical transaction data, from across all Federal health programs and markets, to build and re-develop scoring models, have the capability to incorporate external data and external models from other sources into the health care predictive waste, fraud, and abuse model, and provide for a feedback loop to provide outcome information on verified claims so future system enhancements can be developed based on previous claims experience.

(H) CHANGE CONTROL.—The fraud prevention system platform shall have the infrastructure to implement new models and attributes in a test environment prior to moving into a production environment. Capabilities shall be developed to quickly make changes to models, attributes, or strategies to react to changing patterns in waste, fraud, and abuse.

(I) SCORING ENGINE.—The fraud prevention system shall identify high-risk claims by scoring all such claims on a real-time capacity prior to payment. Such scores shall then be communicated to the fraud management system provided for under subparagraph (J).

(J) FRAUD MANAGEMENT SYSTEM.—The fraud prevention system shall utilize a fraud management system, that contains workflow management and workstation tools to provide the ability to systematically present scores, reason codes, and treatment actions for high-risk scored transactions. The fraud prevention system shall ensure that analysts who review claims have the capability to access, review, and research claims efficiently, as well as decline or approve claims (payments) in an automated manner. Workflow management under this subparagraph shall be combined with the ability to utilize principles of experimental design to compare and measure prevention and detection rates between test and control strategies. Such strategy testing shall allow for continuous improvement and maximum effectiveness in keeping up with ever changing fraud and abuse patterns. Such system shall provide the capability to test different treatments or

actions randomly (typically through use of random digit assignments).

(K) DECISION TECHNOLOGY.—The fraud prevention system shall have the capability to monitor consumer transactions in real-time and monitor provider behavior at different stages within the transaction flow based upon provider, transaction and consumer trends. The fraud prevention system shall provide for the identification of provider and claims excessive usage patterns and trends that differ from similar peer groups, have the capability to trigger on multiple criteria, such as predictive model scores or custom attributes, and be able to segment transaction waste, fraud, and abuse into multiple types for health care categories and business types.

(L) FEEDBACK LOOP.—The fraud prevention system shall have a feedback loop where all Federal health payers provide pre-payment and post-payment information about the eventual status of a claim designated as ''Normal'', ''Waste'', ''Fraud'', ''Abuse'', or ''Education Required''. Such feedback loop shall enable Federal health agencies to measure the actual amount of waste, fraud, and abuse as well as the savings in the system and provide the ability to retrain future, enhanced models. Such feedback loop shall be an industry file that contains information on previous fraud and abuse claims as well as abuse perpetrated by consumers, providers, and fraud rings, to be used to alert other payers, as well as for subsequent fraud and abuse solution development.

(M) TRACKING AND REPORTING.—The fraud prevention system shall ensure that the infrastructure exists to ascertain system, strategy, and predictive model return on investment. Dynamic model validation and strategy validation analysis and reporting shall be made available to ensure a strategy or predictive model has not degraded over time or is no longer effective. Queue reporting shall be established and made available for population estimates of what claims were flagged, what claims received treatment, and ultimately what results occurred. The capability shall exist to complete tracking and reporting for prevention strategies and actions residing farther upstream in the health care payment flow. The fraud prevention system shall establish a reliable metric to measure the dollars that are never paid due to identification of fraud and abuse, as well as a capability to effectively test and estimate the impact from different actions and treatments utilized to detect and prevent fraud and abuse for legitimate claims. Measuring results shall include waste and abuse.

(N) OPERATING TENET.—The fraud prevention system shall not be designed to deny health care services or to negatively impact prompt-pay laws because assessments are late. The database shall be designed to speed up the payment process. The fraud prevention system shall require the implementation of constant and consistent test and control strategies by stakeholders, with results shared with Federal health program leadership on a quarterly basis to validate improving progress in identifying and preventing waste, fraud, and abuse. Under such implementation, Federal health care payers shall use standard industry waste, fraud, and abuse measures of success.

(2) COORDINATION.—The Deputy Secretary shall coordinate the operation of the fraud prevention system with the Department of Justice and other related Federal fraud prevention systems.

(3) OPERATION.—The Deputy Secretary shall phase-in the implementation of the system under this subsection beginning not later than 18 months after the date of enactment of this Act, through the analysis of a limited number of Federal health program claims. Not later than 5 years after such date of enactment, the Deputy Secretary shall ensure that such system is fully phased-in and applicable to all Federal health program claims.

(4) NON-PAYMENT OF CLAIMS.—The Deputy Secretary shall promulgate regulations to prohibit the payment of any health care claim that has been identified as potentially ''fraudulent'', ''wasteful'', or ''abusive'' until such time as the claim has been verified as valid.

(5) APPLICATION.—The system under this section shall only apply to Federal health programs (all such programs), including programs established after the date of enactment of this Act.

(6) REGULATIONS.—The Deputy Secretary shall promulgate regulations providing the maximum appropriate protection of personal privacy consistent with carrying out the Office's responsibilities under this section.

(e) PROTECTING PARTICIPATION IN HEALTH CARE ANTIFRAUD PROGRAMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no person providing information to the Secretary under this section shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) unless such information is false and the person providing it knew, or had reason to believe, that such information was false.

(2) CONFIDENTIALITY.—The Office shall, through the promulgation of regulations, establish standards for—

(A) the protection of confidential information submitted or obtained with regard to suspected or actual health care fraud;

(B) the protection of the ability of representatives the Office to testify in private civil actions concerning any such information; and

(C) the sharing by the Office of any such information related to the medical antifraud programs established under this section.

(f) PROTECTING LEGITIMATE PROVIDERS AND SUPPLIERS.—

(1) INITIAL IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish procedures for the implementation of fraud and abuse detection methods under all Federal health programs (including the programs under titles XVIII, XIX, and XXI of the Social Security Act) with respect to items and services furnished by providers of services and suppliers that includes the following:

(A) In the case of a new applicant to be such a provider or supplier, a background check, and in the case of a supplier a site visit prior to approval of participation in the program and random unannounced site visits after such approval.

(B) Not less than 5 years after the date of enactment of this Act, in the case of a provider or supplier who is not a new applicant, re-enrollment under the program, including a new background check and, in the case of a supplier, a site-visit as part of the application process for such re-enrollment, and random unannounced site visits after such re-enrollment.

(2) REQUIREMENT FOR PARTICIPATION.—In no case may a provider of services or supplier who does not meet the requirements under paragraph (1) participate in any Federal health program.

(3) BACKGROUND CHECKS.—The Secretary shall determine the extent of the background check conducted under paragraph (1), including whether—

(A) a fingerprint check is necessary;

(B) a background check shall be conducted with respect to additional employees, board members, contractors or other interested parties of the provider or supplier; and

(C) any additional national background checks regarding exclusion from participation in Federal health programs (such as the program under titles XVIII, XIX, or XXI of the Social Security Act), including conviction of any felony, crime that involves an act of fraud or false statement, adverse actions taken by State licensing boards, bankruptcies, outstanding taxes, or other indications identified by the Inspector General of the Department of Health and Human Services are necessary.

(4) LIMITATION.—No payment may be made to a provider of services or supplier under any Federal health program if such provider or supplier fails to obtain a satisfactory background check under this subsection.

(5) FEDERAL HEALTH PROGRAM.—In this subsection, the term ''Federal health program'' means any program that provides Federal payments or reimbursements to providers of health-related items or services, or suppliers of such items, for the provision of such items or services to an individual patient.

(g) USE OF SAVINGS.—Notwithstanding any other provision on law, amounts remaining at the end of a fiscal year in the account for any Federal health program to which this section applies that the Secretary of Health and Human Services determines are remaining as a result of the fraud prevention activities applied under this section shall remain in such account and be used for such program for the next fiscal year.

(h) DEFINITION.—The term ''Federal health agency'' means the Department of Health and Human Services, the Department of Veterans Affairs, and any Federal agency with oversight or authority regarding the provision of any medical benefit, item, or service for which payment may be made under a Federal health care plan or contract.

SA 3226. 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:

Beginning on page 2027, strike line 20 and all that follows through page 2029, line 4, and insert the following:

(2) AMOUNTS TAKEN INTO ACCOUNT.—For purposes of paragraph (1)—

(A) NET PREMIUMS WRITTEN.—

(i) IN GENERAL.—The net premiums written with respect to health insurance for any United States health risk that are taken into account during any calendar year with respect to any covered entity shall be the sum of—

(I) the net premiums written with respect to Medicaid business that are taken into account during the calendar year, plus

(II) the net premiums written with respect to non-Medicaid business that are taken into account during the calendar year.

(ii) NET PREMIUMS WRITTEN WITH RESPECT TO MEDICAID BUSINESS.—

(I) IN GENERAL.—The net premiums written with respect to Medicaid business that are taken into account during the calendar year shall be determined in accordance with the following table:

With respect to a covered entity's net premiums written with respect to Medicaid business during the calendar year that are:	The percentage of net premiums written that are taken into account is:
Not more than $100,000,000	0 percent
More than $100,000,000 but not more than $150,000,000	25 percent
More than $150,000,000 but not more than $200,000,000	50 percent
More than $200,000,000	100 percent.

(II) MEDICAID BUSINESS.—For purposes of this section, net premiums written with respect to Medicaid business means, with respect to any covered entity, that portion of the net premiums written with respect to health insurance for United States health risks which are written with respect to individuals who are eligible for medical assistance under, and enrolled in, a State plan under title XIX of the Social Security Act or a waiver of such plan. Such amounts shall be reported separately by each covered entity in the report required under subsection (g).

(iii) NET PREMIUMS WRITTEN WITH RESPECT TO NON-MEDICAID BUSINESS.—

(I) IN GENERAL.—The net premiums written with respect to non-Medicaid business that are taken into account during the calendar year shall be determined in accordance with the following table:

With respect to a covered entity's net premiums written with respect to non-Medicaid business during the calendar year that are:	The percentage of net premiums written that are taken into account is:
Not more than $25,000,000	0 percent
More than $25,000,000 but not more than $50,000,000	50 percent
More than $50,000,000	100 percent.

(II) NON-MEDICAID BUSINESS.—For purpose of this section, the net premiums written with respect to non-Medicaid business means, with respect to any covered entity, the total amount of net premiums written with respect to health insurance for United States health risks less the net premiums written with respect to Medicaid business.

(B) THIRD PARTY ADMINISTRATION AGREEMENT FEES.—The third party administration agreement fees that are taken into account during any calendar year with respect to any covered entity shall be determined in accordance with the following table:

With respect to a covered entity's third party administration agreement fees during the calendar year that are:	The percentage of third party administration agreement fees that are taken into account is:
Not more than $5,000,000	0 percent
More than $5,000,000 but not more than $10,000,000	50 percent
More than $10,000,000	100 percent.

(3) SECRETARIAL DETERMINATION.—The Secretary shall calculate the amount of each covered entity's fee for any calendar year under paragraph (1). In calculating such amount, the Secretary shall determine such covered entity's net premiums written with respect to any United States health risk and third party administration agreement fees on the basis of reports submitted by the covered entity under subsection (g) and through the use of any other source of information available to the Secretary.

(c) PERFORMANCE ADJUSTMENT TO ANNUAL FEE.—

(1) IN GENERAL.—The Secretary shall—

(A) in the case of a penalized covered entity, increase the fee determined under subsection (b) for a calendar year as provided in paragraph (3), and

(B) in the case of any other covered entity, reduce the fee determined under subsection (b) for a calendar year as provided in paragraph (4).

(2) PENALIZED COVERED ENTITY DESCRIBED.—

(A) IN GENERAL.—For purposes of this paragraph, the term ''penalized covered entity'' means a covered entity that the Secretary determines has failed to meet the key performance thresholds (established under subparagraph (B)) for the calendar year involved.

(B) KEY PERFORMANCE THRESHOLDS.—The key performance thresholds established under this subparagraph are as follows:

(i) MEDICAL LOSS RATIO THRESHOLD.—The covered entity has a medical loss ratio, as reported under section 2718(a)(1) of the Public Health Service Act, of not less than 85 percent. The Secretary, in consultation with the Secretary of Health and Human Services may increase, but not decrease, such percentage by regulation.

(ii) MAXIMUM FINANCIAL RESERVE THRESHOLD.—

(I) IN GENERAL.—The covered entity has a financial reserve which is not greater than the amount established under regulations by the Secretary, in consultation with the Secretary of Health and Human Services. The Secretary may establish different thresholds for different categories of covered entity under this section. The Secretary, in consultation with the National Association of Insurance Commissioners, shall establish a uniform methodology for reporting financial reserve levels and determining maximum financial reserve thresholds under this subparagraph.

(II) REPORTS.—Each covered entity shall annually submit a report (in a manner to be established by the Secretary through regulation) to the Secretary and the Secretary of Health and Human Services containing such information about the financial reserves of the entity as the Secretary may require. The rules of subsection (g)(2) shall apply to the information required to be reported under this subclause.

(3) AMOUNT OF FEE INCREASE.—

(A) IN GENERAL.—In the case of a penalized covered entity, the fee determined under subsection (b) for the calendar year shall be increased by the penalty amount.

(B) PENALTY AMOUNT.—

(i) IN GENERAL.—The penalty amount shall be the product of—

(I) the amount determined under subsection (b), and

(II) the sum of the amounts determined under subparagraphs (C) and (D).

(ii) LIMITATION.—The penalty amount shall not exceed 20 percent of the amount determined under subsection (b).

(C) MEDICAL LOSS RATIO COMPONENT.—The amount determined under this subparagraph is the amount equal to the excess of—

(i) the medical loss ratio threshold established under paragraph (2)(A), over

(ii) the medical loss ratio (expressed in decimal form) of the penalized covered entity.

(D) FINANCIAL RESERVE COMPONENT.—The amount determined under this subparagraph is the amount equal to the ratio of—

(i) the excess of—

(I) the financial reserves of the penalized covered entity, over

(II) the maximum financial reserve threshold established under paragraph (2)(B)(ii), to

(ii) such maximum financial reserve threshold.

(4) REDUCTION IN FEE.—

(A) IN GENERAL.—

(i) AMOUNT OF REDUCTION.—In the case of any covered entity that is not a penalized covered entity, the fee determined under subsection (b) for the calendar year shall be reduced by an amount equal to the product of—

(I) the sum of all penalty amounts assessed in the calendar year under paragraph (3), and

(II) the fee redistribution ratio.

(ii) LIMITATION.—The reduction under this paragraph shall not exceed 20 percent of the amount determined under subsection (b).

(B) FEE DISTRIBUTION RATIO.—For purposes of this paragraph, the fee redistribution ratio is the ratio of—

(i) the weighted net written premium amount of the covered entity, to

(ii) the aggregate of the weighted net written premium amount of all covered entities.

(C) WEIGHTED NET WRITTEN PREMIUM AMOUNT.—For purposes of this paragraph, the weighted net written premium amount with respect to any covered entity is the amount described in subsection (b)(1)(A)(i) with respect to such covered entity, increased by the product of—

(i) such amount, and

(ii) the product of 0.05 and the sum of the amounts determined under subparagraphs (D) and (E).

(D) MEDICAL LOSS RATIO COMPONENT.—The amount determined under this subparagraph is the amount equal to the excess of—

(i) the medical loss ratio (expressed as a percentage) of the covered entity, over

(ii) the medical loss ratio threshold established under paragraph (2)(A).

(E) FINANCIAL RESERVE COMPONENT.—The amount determined under this subparagraph is the amount equal to the ratio of—

(i) the excess of—

(I) the maximum financial reserve threshold established under paragraph (2)(B)(ii), over

(II) the financial reserves of the covered entity, to

(ii) such maximum financial reserve threshold.

SA 3227. Mr. CARDIN 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, strike line 17 and all that follows through line 10 on page 732 and insert the following:

''(xix) Using commonly available and inexpensive technologies, including wireless and Internet-based tools, that have a demonstrated ability to improve patient outcomes or reduce health care costs, to simplify the complex management and treatment of chronic diseases for patients and health care providers.

''(C) ADDITIONAL FACTORS FOR CONSIDERATION.—In selecting models for testing under subparagraph (A), the CMI may consider the following additional factors:

''(i) Whether the model includes a regular process for monitoring and updating patient care plans in a manner that is consistent with the needs and preferences of applicable individuals.

''(ii) Whether the model places the applicable individual, including family members and other informal caregivers of the applicable individual, at the center of the care team of the applicable individual.

''(iii) Whether the model provides for in-person contact with applicable individuals.

''(iv) Whether the model utilizes technology, such as electronic health records, wireless and Internet-based tools,''.

SA 3228. Ms. LANDRIEU (for herself, Mr. WARNER, and Mr. AKAKA) 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:

SEC. 1563. PROVISIONS RELATED TO VISION BENEFITS.

(a) EXEMPTION FROM COMPREHENSIVE COVERAGE REQUIREMENT.—Section 2707 of the Public Health Service Act, as added by section 1201, is amended by adding at the end the following:

''(e) VISION ONLY.—This section shall not apply to a plan described in section 1311(d)(2)(B)(iii) of the Patient Protection and Affordable Care Act.''.

(b) ESSENTIAL HEALTH BENEFITS.—Section 1302 of this Act is amended—

(1) in subsection (b)(4)—

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively;

(B) by inserting after subparagraph (F) the following:

''(G) provide that if a plan described in section 1311(d)(2)(B)(iii) (relating to stand-alone vision benefits plans) is offered through an Exchange, another health plan offered through such Exchange shall not fail to be treated as a qualified health plan solely because the plan does not offer coverage of benefits offered through the stand-alone plan that are otherwise required under paragraph (1)(J);''; and

(C) in subparagraph (I), as so redesignated, by striking ''(G)'' and inserting ''(H)''; and

(2) by striking ''paragraph (4)(H)'' each place such term appears and inserting ''paragraph (4)(I)''.

(c) OFFERING OF COVERAGE.—Section 1311(d)(2)(B) of this Act is amended by adding at the end the following:

''(iii) OFFERING OF STAND-ALONE VISION BENEFITS.—Each Exchange within a State shall allow an issuer of a plan that only provides limited scope vision benefits meeting the requirements of section 9832(c)(2)(A) of the Internal Revenue Code of 1986 to offer the plan through the Exchange (either separately or in conjunction with a qualified health plan) if the plan provides pediatric vision benefits meeting the requirements of section 1302(b)(1)(J)).''.

(d) REFUNDABLE CREDIT.—Section 36B(b) of the Internal Revenue Code of 1986, as added by section 1401, is amended by adding at the end the following:

''(F) SPECIAL RULE FOR PEDIATRIC VISION COVERAGE.—For purposes of determining the amount of any monthly premium, if an individual enrolls in both a qualified health plan and a plan described in section 1311(d)(2)(B)(iii) of the Patient Protection and Affordable Care Act for any plan year, the portion of the premium for the plan described in such section that (under regulations prescribed by the Secretary) is properly allocable to pediatric vision benefits which are included in the essential health benefits required to be provided by a qualified health plan under section 1302(b)(1)(J) of such Act shall be treated as a premium payable for a qualified health plan.''.

(e) REDUCED COST-SHARING.—Section 1402(c) of this Act is amended by adding at the end the following:

''(6) SPECIAL RULE FOR PEDIATRIC VISION PLANS.—If an individual enrolls in both a qualified health plan and a plan described in section 1311(d)(2)(B)(iii) for any plan year, subsection (a) shall not apply to that portion of any reduction in cost-sharing under subsection (c) that (under regulations prescribed by the Secretary) is properly allocable to pediatric vision benefits which are included in the essential health benefits required to be provided by a qualified health plan under section 1302(b)(1)(J).''.

SA 3229. Mr. CRAPO 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 510, strike line 10 and all that follows through page 515, line 11.

SA 3230. Mr. CRAPO 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. NON-APPLICATION OF MEDICAID EXPANSION MANDATES.

Notwithstanding any other provision of this Act (or an amendment made by this Act), with respect to a State, any provision of this Act or amendment made by this Act that imposes on the State an expansion of coverage under the Medicaid program shall not apply to the State if such expansion would result in the State incurring costs for providing medical assistance to individuals enrolled under the State Medicaid program that are greater than the costs the State would have incurred if this Act and such amendments had not been enacted.

SA 3231. Mr. CRAPO 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. ENHANCED FMAP TO PROVIDE INCREASED PAYMENTS FOR PHYSICIANS' SERVICES AND INPATIENT HOSPITAL SERVICES FURNISHED IN RURAL AREAS.

Notwithstanding any other provision of law, if at any time after January 1, 2014, a State increases, by not less than the rate applicable under the Medicare program, the payment rates under its State Medicaid program for medical assistance consisting of physician services or inpatient hospital services that are furnished in rural areas (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))) of the State, the Federal medical assistance percentage otherwise applicable to such expenditures shall be increased by an amount equal to 100 percent of the increase in such rates from the rates applicable under the State Medicaid program for fiscal year 2009.

SA 3232. Mr. BYRD 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 1356, strike line 3 and insert the following:

''(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to eligible entities that are located in

States that have high rates of dental health care disparities.

SA 3233. Mr. BYRD 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 94, between lines 3 and 4, insert the following:

''(4) SELECTION.—In selecting States to participate in the demonstration project under this subsection, the Secretary shall give priority to States that have populations with high rates of—

''(A) chronic diseases, with particular emphasis on inclusion of States that have populations with high rates of diabetes, hypertension, and cardiovascular disease;

''(B) smoking and use of tobacco products; or

''(C) obesity.''.

SA 3234. 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 764, between lines 2 and 3, insert the following:

''(i) APPLICATION OF PILOT PROGRAM TO CONTINUING CARE HOSPITALS.—

''(1) IN GENERAL.—In conducting the pilot program, the Secretary shall apply the provisions of the program so as to separately pilot test the continuing care hospital model.

''(2) SPECIAL RULES.—In pilot testing the continuing care hospital model under paragraph (1), the following rules shall apply:

''(A) Such model shall be tested without the limitation to the conditions selected under subsection (a)(2)(B).

''(B) Notwithstanding subsection (a)(2)(D), an episode of care shall be defined as the full period that a patient stays in the continuing care hospital plus the first 30 days following discharge from such hospital.

''(3) CONTINUING CARE HOSPITAL DEFINED.—In this subsection, the term 'continuing care hospital' means an entity that has demonstrated the ability to meet patient care and patient safety standards and that provides under common management the medical and rehabilitation services provided in inpatient rehabilitation hospitals and units (as defined in section 1886(d)(1)(B)(ii)), long term care hospitals (as defined in section1886(d)(1)(B)(iv)(I)), and skilled nursing facilities (as defined in section 1819(a)) that are located in a hospital described in section 1886(d).''.

SA 3235. 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 923, between lines 7 and 8, insert the following:

SEC. 3211. IMPROVEMENTS TO TRANSITIONAL EXTRA BENEFITS UNDER MEDICARE ADVANTAGE.

Section 1853(p) of the Social Security Act, as added by section 3201, is amended—

(1) in paragraph (3)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (D), as so redesignated, by striking ''(A) or (B)'' and inserting ''(A), (B), or (C)'';

(C) by inserting after subparagraph (B) the following new subparagraph:

''(C) A county—

''(i) where the percentage of Medicare Advantage eligible beneficiaries in the county who are enrolled in an MA plan for the year is greater than 45 percent (as determined by the Secretary); and

''(ii) that is located in a State in which the percentage of residents over the age of 65 is greater than 14 percent (as determined by the Secretary).'';

(D) by inserting after subparagraph (C) the following flush sentence:

''Such term shall not include any MA local area identified under subsection (o)(1).''; and

(2) in paragraph (5), by striking ''$5,000,000,000'' and inserting ''$7,000,000,000''.

SA 3236. Mr. KOHL 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) Implementing the lean methodology through a network of provider systems across the country in varying geographic areas and across sites of care that offer a patient-centered approach to improving quality, reducing medical errors, and enhancing value to patients.

SA 3237. Mr. BURRIS 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 III, insert the following:

SEC. ____. PERMITTING PHYSICAL THERAPY TO BE FURNISHED UNDER THE MEDICARE PROGRAM UNDER THE CARE OF A DENTIST.

(a) IN GENERAL.—Section 1861(p)(1) of the Social Security Act (42 U.S.C. 1395x(p)(1)) is amended by inserting ''(2),'' after ''(1),''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items and services furnished on or after the date of the enactment of this Act.

SA 3238. Mr. ROCKEFELLER (for himself, Mr. KOHL, Mr. CARPER, 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 2074, after line 25, add the following:

TITLE X—COVERAGE OF ADVANCE CARE PLANNING

SEC. 10001. MEDICARE, MEDICAID, AND CHIP COVERAGE.

(a) MEDICARE.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 4103, is amended—

(A) in subsection (s)(2)—

(i) by striking ''and'' at the end of subparagraph (EE);

(ii) by adding ''and'' at the end of subparagraph (FF); and

(iii) by adding at the end the following new subparagraph:

''(GG) voluntary advance care planning consultation (as defined in subsection (iii)(1));''; and

(B) by adding at the end the following new subsection:

''Voluntary Advance Care Planning Consultation

''(iii)(1) Subject to paragraphs (3) and (4), the term 'voluntary advance care planning consultation' means an optional consultation between the individual and a practitioner described in paragraph (2) regarding advance care planning, if, subject to subparagraphs (A) and (B) of paragraph (3), the individual involved has not had such a consultation within the last 5 years. Such consultation shall include the following:

''(A) An explanation by the practitioner of advance care planning, including key questions and considerations, important steps, and suggested people to talk to.

''(B) An explanation by the practitioner of advance directives, including living wills and durable powers of attorney, and their uses.

''(C) An explanation by the practitioner of the role and responsibilities of a health care proxy.

''(D) The provision by the practitioner of a list of national and State-specific resources to assist consumers and their families with advance care planning, including the national toll-free hotline, the advance care planning clearinghouses, and State legal service organizations (including those funded through the Older Americans Act).

''(E) An explanation by the practitioner of the continuum of end-of-life services and supports available, including palliative care and hospice, and benefits for such services and supports that are available under this title.

''(F)(i) Subject to clause (ii), an explanation of orders regarding life sustaining treatment or similar orders, which shall include—

''(I) the reasons why the development of such an order is beneficial to the individual and the individual's family and the reasons why such an order should be updated periodically as the health of the individual changes;

''(II) the information needed for an individual or legal surrogate to make informed

decisions regarding the completion of such an order; and

''(III) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).

''(ii) The Secretary may limit the requirement for explanations under clause (i) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted.

''(2) A practitioner described in this paragraph is—

''(A) a physician (as defined in subsection (r)(1)); and

''(B) a nurse practitioner or physician's assistant who has the authority under State law to sign orders for life sustaining treatments.

''(3)(A) An initial preventive physical examination under subsection (ww), including any related discussion during such examination, shall not be considered an advance care planning consultation for purposes of applying the 5-year limitation under paragraph (1).

''(B) A voluntary advance care planning consultation with respect to an individual shall be conducted more frequently than provided under paragraph (1) if there is a significant change in the health condition of the individual, including diagnosis of a chronic, progressive, life-limiting disease, a life-threatening or terminal diagnosis or life-threatening injury, or upon admission to a skilled nursing facility, a long-term care facility (as defined by the Secretary), or a hospice program.

''(4) A consultation under this subsection may include the formulation of an order regarding life sustaining treatment or a similar order.

''(5)(A) For purposes of this section, the term 'order regarding life sustaining treatment' means, with respect to an individual, an actionable medical order relating to the treatment of that individual that—

''(i) is signed and dated by a physician (as defined in subsection (r)(1)) or another health care professional (as specified by the Secretary and who is acting within the scope of the professional's authority under State law in signing such an order) and is in a form that permits it to stay with the patient and be followed by health care professionals and providers across the continuum of care, including home care, hospice, long-term care, community and assisted living residences, skilled nursing facilities, inpatient rehabilitation facilities, hospitals, and emergency medical services;

''(ii) effectively communicates the individual's preferences regarding life sustaining treatment, including an indication of the treatment and care desired by the individual;

''(iii) is uniquely identifiable and standardized within a given locality, region, or State (as identified by the Secretary);

''(iv) is portable across care settings; and

''(v) may incorporate any advance directive (as defined in section 1866(f)(3)) if executed by the individual.

''(B) The level of treatment indicated under subparagraph (A)(ii) may range from an indication for full treatment to an indication to limit some or all or specified interventions. Such indicated levels of treatment may include indications respecting, among other items—

''(i) the intensity of medical intervention if the patient is pulseless, apneic, or has serious cardiac or pulmonary problems;

''(ii) the individual's desire regarding transfer to a hospital or remaining at the current care setting;

''(iii) the use of antibiotics; and

''(iv) the use of artificially administered nutrition and hydration.''.

(2) PAYMENT.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w–4(j)(3)), as amended by section 4103(c)(2), is amended by inserting ''(2)(GG),'' after ''(2)(FF) (including administration of the health risk assessment),''.

(3) FREQUENCY LIMITATION.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)(1)), as amended by section 4103(d), is amended—

(A) in paragraph (1)—

(i) in subparagraph (O), by striking ''and'' at the end;

(ii) in subparagraph (P) by striking the semicolon at the end and inserting '', and''; and

(iii) by adding at the end the following new subparagraph:

''(Q) in the case of advance care planning consultations (as defined in section 1861(iii)(1)), which are performed more frequently than is covered under such section;''; and

(B) in paragraph (7), by striking ''or (P)'' and inserting ''(P), or (Q)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to consultations furnished on or after January 1, 2011 .

(b) MEDICAID.—

(1) MANDATORY BENEFIT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)), as amended by section 2301(b), is amended in the matter preceding clause (i) by striking ''and (28)'' and inserting '', (28), and (29)''.

(2) MEDICAL ASSISTANCE.—Section 1905 of such Act (42 U.S.C. 1396d), as amended by sections 2001(a)(3), 2006, and 2301(a)(1), is amended—

(A) in subsection (a)—

(i) in paragraph (28), by striking ''and'' at the end;

(ii) by redesignating paragraph (29) as paragraph (30); and

(iii) by inserting after paragraph (28) the following new paragraph:

''(29) advance care planning consultations (as defined in subsection (z));''; and

(B) by inserting after subsection (y) the following new subsection:

''(z)(1) For purposes of subsection (a)(28), the term 'voluntary advance care planning consultation' means an optional consultation between the individual and a practitioner described in paragraph (2) regarding advance care planning, if, subject to paragraph (3), the individual involved has not had such a consultation within the last 5 years. Such consultation shall include the following:

''(A) An explanation by the practitioner of advance care planning, including key questions and considerations, important steps, and suggested people to talk to.

''(B) An explanation by the practitioner of advance directives, including living wills and durable powers of attorney, and their uses.

''(C) An explanation by the practitioner of the role and responsibilities of a health care proxy.

''(D) The provision by the practitioner of a list of national and State-specific resources to assist consumers and their families with advance care planning, including the national toll-free hotline, the advance care planning clearinghouses, and State legal service organizations (including those funded through the Older Americans Act).

''(E) An explanation by the practitioner of the continuum of end-of-life services and supports available, including palliative care and hospice, and benefits for such services and supports that are available under this title.

''(F)(i) Subject to clause (ii), an explanation of orders for life sustaining treatments or similar orders, which shall include—

''(I) the reasons why the development of such an order is beneficial to the individual and the individual's family and the reasons why such an order should be updated periodically as the health of the individual changes;

''(II) the information needed for an individual or legal surrogate to make informed decisions regarding the completion of such an order; and

''(III) the identification of resources that an individual may use to determine the requirements of the State in which such individual resides so that the treatment wishes of that individual will be carried out if the individual is unable to communicate those wishes, including requirements regarding the designation of a surrogate decisionmaker (also known as a health care proxy).

''(ii) The Secretary may limit the requirement for explanations under clause (i) to consultations furnished in States, localities, or other geographic areas in which orders described in such clause have been widely adopted.

''(2) A practitioner described in this paragraph is—

''(A) a physician (as defined in section 1861(r)(1)); and

''(B) a nurse practitioner or physician's assistant who has the authority under State law to sign orders for life sustaining treatments.

''(3) A voluntary advance care planning consultation with respect to an individual shall be conducted more frequently than provided under paragraph (1) if there is a significant change in the health condition of the individual including diagnosis of a chronic, progressive, life-limiting disease, a life-threatening or terminal diagnosis or life-threatening injury, or upon admission to a nursing facility, a long-term care facility (as defined by the Secretary), or a hospice program.

''(4) A consultation under this subsection may include the formulation of an order regarding life sustaining treatment or a similar order.

''(5) For purposes of this subsection, the term 'orders regarding life sustaining treatment' has the meaning given that term in section 1861(iii)(5).''.

(c) CHIP.—

(1) CHILD HEALTH ASSISTANCE.—Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj) is amended—

(A) by redesignating paragraph (28) as paragraph (29); and

(B) by inserting after paragraph (27), the following:

''(28) Voluntary advance care planning consultations (as defined in section 1905(z)).''.

(2) MANDATORY COVERAGE.—

(A) IN GENERAL.—Section 2103 of such Act (42 U.S.C. 1397cc), is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''and (7)'' and inserting ''(7), and (9)''; and

(ii) in subsection (c), by adding at the end the following:

''(9) END-OF-LIFE CARE.—The child health assistance provided to a targeted low-income child shall include coverage of voluntary advance care planning consultations (as defined in section 1905(z) and at the same payment rate as the rate that would apply to such a consultation under the State plan under title XIX).''.

(B) CONFORMING AMENDMENT.—Section 2102(a)(7)(B) of such Act (42 U.S.C.

1397bb(a)(7)(B)) is amended by striking ''section 2103(c)(5)'' and inserting ''paragraphs (5) and (9) of section 2103(c)''.

(d) DEFINITION OF ADVANCE DIRECTIVE UNDER MEDICARE, MEDICAID, AND CHIP.—

(1) MEDICARE.—Section 1866(f)(3) of the Social Security Act (42 U.S.C. 1395cc(f)(3)) is amended by striking ''means'' and all that follows through the period and inserting ''means a living will, medical directive, health care power of attorney, durable power of attorney, or other written statement by a competent individual that is recognized under State law and indicates the individual's wishes regarding medical treatment in the event of future incompetence. Such term includes an advance health care directive and a health care directive recognized under State law.''.

(2) MEDICAID AND CHIP.—Section 1902(w)(4) of such Act (42 U.S.C. 1396a(w)(4)) is amended by striking ''means'' and all that follows through the period and inserting ''means a living will, medical directive, health care power of attorney, durable power of attorney, or other written statement by a competent individual that is recognized under State law and indicates the individual's wishes regarding medical treatment in the event of future incompetence. Such term includes an advance health care directive and a health care directive recognized under State law.''.

(e) RULE OF CONSTRUCTION.—A voluntary advance care planning consultation described under any provision of this section or amendment made by this section shall be provided solely at the option of the applicable individual. Nothing in this section shall be construed to—

(1) require an individual to complete an advance directive, an order for life-sustaining treatment, or other advance care planning document;

(2) require an individual to consent to restrictions on the amount, duration, or scope of medical benefits that such individual is entitled to receive through any program under titles XVIII, XIX, or XXI of the Social Security Act; or

(3) encourage or promote suicide or assisted suicide.

(f) EFFECTIVE DATE.—The amendments made by this section take effect January 1, 2010.

SEC. 10002. DISSEMINATION OF ADVANCE CARE PLANNING INFORMATION.

(a) IN GENERAL.—A health insurance issuer offering a qualified health plan—

(1) shall provide for the dissemination of information related to end-of-life planning to individuals seeking enrollment in qualified health plans offered through the Exchange;

(2) shall present such individuals with—

(A) the option to establish advanced directives and physician's orders for life sustaining treatment according to the laws of the State in which the individual resides; and

(B) information related to other planning tools; and

(3) shall not promote suicide, assisted suicide, euthanasia, or mercy killing.

The information presented under paragraph (2) shall not presume the withdrawal of treatment and shall include end-of-life planning information that includes options to maintain all or most medical interventions.

(b) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to require an individual to complete an advanced directive or a physician's order for life sustaining treatment or other end-of-life planning document;

(2) to require an individual to consent to restrictions on the amount, duration, or scope of medical benefits otherwise covered under a qualified health plan; or

(3) to promote suicide, assisted suicide, euthanasia, or mercy killing.

(c) ADVANCED DIRECTIVE DEFINED.—In this section, the term ''advanced directive'' includes a living will, a comfort care order, or a durable power of attorney for health care.

(d) PROHIBITION ON THE PROMOTION OF ASSISTED SUICIDE.—

(1) IN GENERAL.—Subject to paragraph (3), information provided to meet the requirements of subsection (a)(2) shall not include advanced directives or other planning tools that list or describe as an option suicide, assisted suicide, euthanasia, or mercy killing, regardless of legality.

(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to apply to or affect any option to—

(A) withhold or withdraw of medical treatment or medical care;

(B) withhold or withdraw of nutrition or hydration; and

(C) provide palliative or hospice care or use an item, good, benefit, or service furnished for the purpose of alleviating pain or discomfort, even if such use may increase the risk of death, so long as such item, good, benefit, or service is not also furnished for the purpose of causing, or the purpose of assisting in causing, death, for any reason.

(3) NO PREEMPTION OF STATE LAW.—Nothing in this section shall be construed to preempt or otherwise have any effect on State laws regarding advance care planning, palliative care, or end-of-life decision-making.

SA 3239. Mr. ROCKEFELLER (for himself, Ms. COLLINS, and Mr. KOHL) 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:

TITLE X—ADVANCE CARE PLANNING AND COMPASSIONATE CARE

SECTION 10001. SHORT TITLE.

This title may be cited as the ''Advance Planning and Compassionate Care Act of 2009''.

SEC. 10002. DEFINITIONS.

In this title:

(1) ADVANCE CARE PLANNING.—The term ''advance care planning'' means the process of—

(A) determining an individual's priorities, values and goals for care in the future when the individual is no longer able to express his or her wishes;

(B) engaging family members, health care proxies, and health care providers in an ongoing dialogue about—

(i) the individual's wishes for care;

(ii) what the future may hold for people with serious illnesses or injuries;

(iii) how individuals, their health care proxies, and family members want their beliefs and preferences to guide care decisions; and

(iv) the steps that individuals and family members can take regarding, and the resources available to help with, finances, family matters, spiritual questions, and other issues that impact seriously ill or dying patients and their families; and

(C) executing and updating advance directives and appointing a health care proxy.

(2) ADVANCE DIRECTIVE.—The term ''advance directive'' means a living will, medical directive, health care power of attorney, durable power of attorney, or other written statement by a competent individual that is recognized under State law and indicates the individual's wishes regarding medical treatment in the event of future incompetence. Such term includes an advance health care directive and a health care directive recognized under State law.

(3) CHIP.—The term ''CHIP'' means the program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(4) END-OF-LIFE-CARE.—The term ''end-of-life care'' means all aspects of care of a patient with a potentially fatal condition, and includes care that is focused on specific preparations for an impending death.

(5) HEALTH CARE POWER OF ATTORNEY.—The term ''health care power of attorney'' means a legal document that identifies a health care proxy or decisionmaker for a patient who has the authority to act on the patient's behalf when the patient is unable to communicate his or her wishes for medical care on matters that the patient specifies when he or she is competent. Such term includes a durable power of attorney that relates to medical care.

(6) LIVING WILL.—The term ''living will'' means a legal document—

(A) used to specify the type of medical care (including any type of medical treatment, including life-sustaining procedures if that person becomes permanently unconscious or is otherwise dying) that an individual wants provided or withheld in the event the individual cannot speak for himself or herself and cannot express his or her wishes; and

(B) that requires a physician to honor the provisions of upon receipt or to transfer the care of the individual covered by the document to another physician that will honor such provisions.

(7) MEDICAID.—The term ''Medicaid'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(8) MEDICARE.—The term ''Medicare'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(9) ORDERS FOR LIFE-SUSTAINING TREATMENT.—The term ''orders for life-sustaining treatment'' means a process for focusing a patients' values, goals, and preferences on current medical circumstances and to translate such into visible and portable medical orders applicable across care settings, including home, long-term care, emergency medical services, and hospitals.

(10) PALLIATIVE CARE.—The term ''palliative care'' means interdisciplinary care for individuals with a life-threatening illness or injury relating to pain and symptom management and psychological, social, and spiritual needs and that seeks to improve the quality of life for the individual and the individual's family.

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

Subtitle A—Consumer and Provider Education

PART I—CONSUMER EDUCATION

Subpart A—National Initiatives

SEC. 10101. ADVANCE CARE PLANNING TELEPHONE HOTLINE.

(a) IN GENERAL.—Not later than January 1, 2011, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish and operate directly, or by grant, contract, or interagency agreement, a 24-hour toll-free telephone hotline to provide consumer information regarding advance care planning, including—

(1) an explanation of advanced care planning and its importance;

(2) issues to be considered when developing an individual's advance care plan;

(3) how to establish an advance directive;

(4) procedures to help ensure that an individual's directives for end-of-life care are followed;

(5) Federal and State-specific resources for assistance with advance care planning; and

(6) hospice and palliative care (including their respective purposes and services).

(b) ESTABLISHMENT.—In carrying out the requirements under subsection (a), the Director of the Centers for Disease Control and Prevention may designate an existing 24-hour toll-free telephone hotline or, if no such service is available or appropriate, establish a new 24-hour toll-free telephone hotline.

SEC. 10102. ADVANCE CARE PLANNING INFORMATION CLEARINGHOUSES.

(a) EXPANSION OF NATIONAL CLEARINGHOUSE FOR LONG-TERM CARE INFORMATION.—

(1) DEVELOPMENT.—Not later than January 1, 2010, the Secretary shall develop an online clearinghouse to provide comprehensive information regarding advance care planning.

(2) MAINTENANCE.—The advance care planning clearinghouse, which shall be clearly identifiable and available on the homepage of the Department of Health and Human Service's National Clearinghouse for Long-Term Care Information website, shall be maintained and publicized by the Secretary on an ongoing basis.

(3) CONTENT.—The advance care planning clearinghouse shall include—

(A) any relevant content contained in the national public education campaign required under section 10104;

(B) content addressing—

(i) an explanation of advanced care planning and its importance;

(ii) issues to be considered when developing an individual's advance care plan;

(iii) how to establish an advance directive;

(iv) procedures to help ensure that an individual's directives for end-of-life care are followed; and

(v) hospice and palliative care (including their respective purposes and services); and

(C) available Federal and State-specific resources for assistance with advance care planning, including—

(i) contact information for any State public health departments that are responsible for issues regarding end-of-life care;

(ii) contact information for relevant legal service organizations, including those funded under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(iii) advance directive forms for each State; and

(D) any additional information, as determined by the Secretary.

(b) ESTABLISHMENT OF PEDIATRIC ADVANCE CARE PLANNING CLEARINGHOUSE.—

(1) DEVELOPMENT.—Not later than January 1, 2011, the Secretary, in consultation with the Assistant Secretary for Children and Families of the Department of Health and Human Services, shall develop an online clearinghouse to provide comprehensive information regarding pediatric advance care planning.

(2) MAINTENANCE.—The pediatric advance care planning clearinghouse, which shall be clearly identifiable on the homepage of the Administration for Children and Families website, shall be maintained and publicized by the Secretary on an ongoing basis.

(3) CONTENT.—The pediatric advance care planning clearinghouse shall provide advance care planning information specific to children with life-threatening illnesses or injuries and their families.

SEC. 10103. ADVANCE CARE PLANNING TOOLKIT.

(a) DEVELOPMENT.—Not later than July 1, 2010, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop an online advance care planning toolkit.

(b) MAINTENANCE.—The advance care planning toolkit, which shall be available in English, Spanish, and any other languages that the Secretary deems appropriate, shall be maintained and publicized by the Secretary on an ongoing basis and made available on the following websites:

(1) The Centers for Disease Control and Prevention.

(2) The Department of Health and Human Service's National Clearinghouse for Long-Term Care Information.

(3) The Administration for Children and Families.

(c) CONTENT.—The advance care planning toolkit shall include content addressing—

(1) common issues and questions regarding advance care planning, including individuals and resources to contact for further inquiries;

(2) advance directives and their uses, including living wills and durable powers of attorney;

(3) the roles and responsibilities of a health care proxy;

(4) Federal and State-specific resources to assist individuals and their families with advance care planning, including—

(A) the advance care planning toll-free telephone hotline established under section 10101;

(B) the advance care planning clearinghouses established under section 10102;

(C) the advance care planning toolkit established under this section;

(D) available State legal service organizations to assist individuals with advance care planning, including those organizations that receive funding pursuant to the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(E) website links or addresses for State-specific advance directive forms; and

(5) any additional information, as determined by the Secretary.

SEC. 10104. NATIONAL PUBLIC EDUCATION CAMPAIGN.

(a) NATIONAL PUBLIC EDUCATION CAMPAIGN.—

(1) IN GENERAL.—Not later than January 1, 2011, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, directly or through grants, contracts, or interagency agreements, develop and implement a national campaign to inform the public of the importance of advance care planning and of an individual's right to direct and participate in their health care decisions.

(2) CONTENT OF EDUCATIONAL CAMPAIGN.—The national public education campaign established under paragraph (1) shall—

(A) employ the use of various media, including regularly televised public service announcements;

(B) provide culturally and linguistically appropriate information;

(C) be conducted continuously over a period of not less than 5 years;

(D) identify and promote the advance care planning information available on the Department of Health and Human Service's National Clearinghouse for Long-Term Care Information website and Administration for Children and Families website, as well as any other relevant Federal or State-specific advance care planning resources;

(E) raise public awareness of the consequences that may result if an individual is no longer able to express or communicate their health care decisions;

(F) address the importance of individuals speaking to family members, health care proxies, and health care providers as part of an ongoing dialogue regarding their health care choices;

(G) address the need for individuals to obtain readily available legal documents that express their health care decisions through advance directives (including living wills, comfort care orders, and durable powers of attorney for health care);

(H) raise public awareness regarding the availability of hospice and palliative care; and

(I) encourage individuals to speak with their physicians about their options and intentions for end-of-life care.

(3) EVALUATION.—

(A) IN GENERAL.—Not later than July 1, 2013, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall conduct a nationwide survey to evaluate whether the national campaign conducted under this subsection has achieved its goal of changing public awareness, attitudes, and behaviors regarding advance care planning.

(B) BASELINE SURVEY.—In order to evaluate the effectiveness of the national campaign, the Secretary shall conduct a baseline survey prior to implementation of the campaign.

(C) REPORTING REQUIREMENT.—Not later than December 31, 2013, the Secretary shall report the findings of such survey, as well as any recommendations that the Secretary determines appropriate regarding the need for continuation or legislative or administrative changes to facilitate changing public awareness, attitudes, and behaviors regarding advance care planning, to the appropriate committees of the Congress.

(b) REPEAL.—Section 4751(d) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1396a note; Public Law 101–508) is repealed.

SEC. 10105. UPDATE OF MEDICARE AND SOCIAL SECURITY HANDBOOKS.

(a) MEDICARE & YOU HANDBOOK.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall update the online version of the ''Planning Ahead'' section of the Medicare & You Handbook to include—

(A) an explanation of advance care planning and advance directives, including—

(i) living wills;

(ii) health care proxies; and

(iii) after-death directives;

(B) Federal and State-specific resources to assist individuals and their families with advance care planning, including—

(i) the advance care planning toll-free telephone hotline established under section 10101;

(ii) the advance care planning clearinghouses established under section 10102;

(iii) the advance care planning toolkit established under section 10103;

(iv) available State legal service organizations to assist individuals with advance care planning, including those organizations that receive funding pursuant to the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(v) website links or addresses for State-specific advance directive forms; and

(C) any additional information, as determined by the Secretary.

(2) UPDATE OF PAPER AND SUBSEQUENT VERSIONS.—The Secretary shall include the information described in paragraph (1) in all paper and electronic versions of the Medicare & You Handbook that are published on or after the date that is 60 days after the date of enactment of this Act.

(b) SOCIAL SECURITY HANDBOOK.—The Commissioner of Social Security shall—

(1) not later than 60 days after the date of enactment of this Act, update the online version of the Social Security Handbook for

beneficiaries to include the information described in subsection (a)(1); and

(2) include such information in all paper and online versions of such handbook that are published on or after the date that is 60 days after the date of enactment of this Act.

SEC. 10106. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the period of fiscal years 2010 through 2014—

(1) $195,000,000 to the Secretary to carry out sections 10101, 10102, 10103, 10104 and 10105(a); and

(2) $5,000,000 to the Commissioner of Social Security to carry out section 10105(b).

Subpart B—State and Local Initiatives

SEC. 10111. FINANCIAL ASSISTANCE FOR ADVANCE CARE PLANNING.

(a) LEGAL ASSISTANCE FOR ADVANCE CARE PLANNING.—

(1) DEFINITION OF RECIPIENT.—Section 1002(6) of the Legal Services Corporation Act (42 U.S.C. 2996a(6)) is amended by striking ''clause (A) of'' and inserting ''subparagraph (A) or (B) of''.

(2) ADVANCE CARE PLANNING.—Section 1006 of the Legal Services Corporation Act (42 U.S.C. 2996e) is amended—

(A) in subsection (a)(1)—

(i) by striking ''title, and (B) to make'' and inserting the following: ''title;

''(C) to make''; and

(ii) by inserting after subparagraph (A) the following:

''(B) to provide financial assistance, and make grants and contracts, as described in subparagraph (A), on a competitive basis for the purpose of providing legal assistance in the form of advance care planning (as defined in section 10002 of the Patient Protection and Affordable Care Act, and including providing information about State-specific advance directives, as defined in that section) for eligible clients under this title, including providing such planning to the family members of eligible clients and persons with power of attorney to make health care decisions for the clients; and''; and

(B) in subsection (b), by adding at the end the following:

''(2) Advance care planning provided in accordance with subsection (a)(1)(B) shall not be construed to violate the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14401 et seq.).''.

(3) REPORTS.—Section 1008(a) of the Legal Services Corporation Act (42 U.S.C. 2996g(a)) is amended by adding at the end the following: ''The Corporation shall require such a report, on an annual basis, from each grantee, contractor, or other recipient of financial assistance under section 1006(a)(1)(B).''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 1010 of the Legal Services Corporation Act (42 U.S.C. 2996i) is amended—

(A) in subsection (a)—

(i) by striking ''(a)'' and inserting ''(a)(1)'';

(ii) in the last sentence, by striking ''Appropriations for that purpose'' and inserting the following:

''(3) Appropriations for a purpose described in paragraph (1) or (2)''; and

(iii) by inserting before paragraph (3) (as designated by clause (ii)) the following:

''(2) There are authorized to be appropriated to carry out section 1006(a)(1)(B), $10,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014.''; and

(B) in subsection (d), by striking ''subsection (a)'' and inserting ''subsection (a)(1)''.

(5) EFFECTIVE DATE.—This subsection and the amendments made by this subsection take effect July 1, 2010.

(b) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (3) to award grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990 to provide advance care planning services to Medicare beneficiaries, personal representatives of such beneficiaries, and the families of such beneficiaries. Such services shall include information regarding State-specific advance directives and ways to discuss individual care wishes with health care providers.

(2) REQUIREMENTS.—

(A) AWARD OF GRANTS.—In making grants under this subsection for a fiscal year, the Secretary shall satisfy the following requirements:

(i) Two-thirds of the total amount of funds available under paragraph (3) for a fiscal year shall be allocated among those States approved for a grant under this section that have adopted the Uniform Health-Care Decisions Act drafted by the National Conference of Commissioners on Uniform State Laws and approved and recommended for enactment by all States at the annual conference of such commissioners in 1993.

(ii) One-third of the total amount of funds available under paragraph (3) for a fiscal year shall be allocated among those States approved for a grant under this section that have adopted a uniform form regarding orders regarding life sustaining treatment (as described in section 10002) or a comparable approach to advance care planning.

(B) WORK PLAN; REPORT.—As a condition of being awarded a grant under this subsection, a State shall submit the following to the Secretary:

(i) An approved plan for expending grant funds.

(ii) For each fiscal year for which the State is paid grant funds under this subsection, an annual report regarding the use of the funds, including the number of Medicare beneficiaries served and their satisfaction with the services provided.

(C) LIMITATION.—No State shall be paid funds from a grant made under this subsection prior to July 1, 2010.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to the Centers for Medicare & Medicaid Services Program Management Account, $12,000,000 for each of fiscal years 2010 through 2014 for purposes of awarding grants to States under paragraph (1).

(c) MEDICAID TRANSFORMATION GRANTS FOR ADVANCE CARE PLANNING.—Section 1903(z) of the Social Security Act (42 U.S.C. 1396b(z)) is amended—

(1) in paragraph (2), by adding at the end the following new subparagraph:

''(G) Methods for improving the effectiveness and efficiency of medical assistance provided under this title by making available to individuals enrolled in the State plan or under a waiver of such plan information regarding advance care planning (as defined in section 10002 of the Patient Protection and Affordable Care Act), including at time of enrollment or renewal of enrollment in the plan or waiver, through providers, and through such other innovative means as the State determines appropriate.'';

(2) in paragraph (3), by adding at the end the following new subparagraph:

''(D) WORK PLAN REQUIRED FOR AWARD OF ADVANCE CARE PLANNING GRANTS.—Payment to a State under this subsection to adopt the innovative methods described in paragraph (2)(G) is conditioned on the State submitting to the Secretary an approved plan for expending the funds awarded to the State under this subsection.''; and

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking the period at the end and inserting ''; and''; and

(iii) by inserting after clause (ii), the following new clause:

''(iii) $20,000,000 for each of fiscal years 2010 through 2014.''; and

(B) by striking subparagraph (B), and inserting the following:

''(B) ALLOCATION OF FUNDS.—The Secretary shall specify a method for allocating the funds made available under this subsection among States awarded a grant for fiscal year 2010, 2011, 2012, 2013, or 2014. Such method shall provide that—

''(i) 100 percent of such funds for each of fiscal years 2010 through 2014 shall be awarded to States that design programs to adopt the innovative methods described in paragraph (2)(G); and

''(ii) in no event shall a payment to a State awarded a grant under this subsection for fiscal year 2010 be made prior to July 1, 2010.''.

(d) ADVANCE CARE PLANNING COMMUNITY TRAINING GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under paragraph (3) to award grants to area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)).

(2) REQUIREMENTS.—

(A) USE OF FUNDS.—Funds awarded to an area agency on aging under this subsection shall be used to provide advance care planning education and training opportunities for local aging service providers and organizations.

(B) WORK PLAN; REPORT.—As a condition of being awarded a grant under this subsection, an area agency on aging shall submit the following to the Secretary:

(i) An approved plan for expending grant funds.

(ii) For each fiscal year for which the agency is paid grant funds under this subsection, an annual report regarding the use of the funds, including the number of Medicare beneficiaries served and their satisfaction with the services provided.

(C) LIMITATION.—No area agency on aging shall be paid funds from a grant made under this subsection prior to July 1, 2010.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to the Centers for Medicare & Medicaid Services Program Management Account, $12,000,000 for each of fiscal years 2010 through 2014 for purposes of awarding grants to area agencies on aging under paragraph (1).

(e) NONDUPLICATION OF ACTIVITIES.—The Secretary shall establish procedures to ensure that funds made available under grants awarded under this section or pursuant to amendments made by this section supplement, not supplant, existing Federal funding, and that such funds are not used to duplicate activities carried out under such grants or under other Federally funded programs.

SEC. 10112. GRANTS FOR PROGRAMS FOR ORDERS REGARDING LIFE SUSTAINING TREATMENT.

(a) IN GENERAL.—The Secretary shall make grants to eligible entities for the purpose of—

(1) establishing new programs for orders regarding life sustaining treatment in States or localities;

(2) expanding or enhancing an existing program for orders regarding life sustaining treatment in States or localities; or

(3) providing a clearinghouse of information on programs for orders for life sustaining treatment and consultative services

for the development or enhancement of such programs.

(b) AUTHORIZED ACTIVITIES.—Activities funded through a grant under this section for an area may include—

(1) developing such a program for the area that includes home care, hospice, long-term care, community and assisted living residences, skilled nursing facilities, inpatient rehabilitation facilities, hospitals, and emergency medical services within the area;

(2) securing consultative services and advice from institutions with experience in developing and managing such programs; and

(3) expanding an existing program for orders regarding life sustaining treatment to serve more patients or enhance the quality of services, including educational services for patients and patients' families or training of health care professionals.

(c) DISTRIBUTION OF FUNDS.—In funding grants under this section, the Secretary shall ensure that, of the funds appropriated to carry out this section for each fiscal year—

(1) at least two-thirds are used for establishing or developing new programs for orders regarding life sustaining treatment; and

(2) one-third is used for expanding or enhancing existing programs for orders regarding life sustaining treatment.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible entity'' includes—

(A) an academic medical center, a medical school, a State health department, a State medical association, a multi-State taskforce, a hospital, or a health system capable of administering a program for orders regarding life sustaining treatment for a State or locality; or

(B) any other health care agency or entity as the Secretary determines appropriate.

(2) The term ''order regarding life sustaining treatment'' means, with respect to an individual, an actionable medical order relating to the treatment of that individual that—

(A) is signed and dated by a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1))) or another health care professional (as specified by the Secretary and who is acting within the scope of the professional's authority under State law in signing such an order) and is in a form that permits it to stay with the patient and be followed by health care professionals and providers across the continuum of care, including home care, hospice, long-term care, community and assisted living residences, skilled nursing facilities, inpatient rehabilitation facilities, hospitals, and emergency medical services;

(B) effectively communicates the individual's preferences regarding life sustaining treatment, including an indication of the treatment and care desired by the individual;

(C) is uniquely identifiable and standardized within a given locality, region, or State (as identified by the Secretary);

(D) is portable across care settings; and

(E) may incorporate any advance directive (as defined in section 1866(f)(3) of the Social Security Act (42 U.S.C. 1395cc(f)(3)) if executed by the individual. .

(3) The term ''program for orders regarding life sustaining treatment'' means, with respect to an area, a program that supports the active use of orders regarding life sustaining treatment in the area.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2014.

PART II—PROVIDER EDUCATION

SEC. 10121. PUBLIC PROVIDER ADVANCE CARE PLANNING WEBSITE.

(a) DEVELOPMENT.—Not later than January 1, 2010, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Agency for Healthcare Research and Quality, shall establish a website for providers under Medicare, Medicaid, the Children's Health Insurance Program, the Indian Health Service (include contract providers) and other public health providers on each individual's right to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment, and the existence of advance directives.

(b) MAINTENANCE.—The website, shall be maintained and publicized by the Secretary on an ongoing basis.

(c) CONTENT.—The website shall include content, tools, and resources necessary to do the following:

(1) Inform providers about the advance directive requirements under the health care programs described in subsection (a) and other State and Federal laws and regulations related to advance care planning.

(2) Educate providers about advance care planning quality improvement activities.

(3) Provide assistance to providers to—

(A) integrate advance directives into electronic health records, including oral directives; and

(B) develop and disseminate advance care planning informational materials for their patients.

(4) Inform providers about advance care planning continuing education requirements and opportunities.

(5) Encourage providers to discuss advance care planning with their patients of all ages.

(6) Assist providers' understanding of the continuum of end-of-life care services and supports available to patients, including palliative care and hospice.

(7) Inform providers of best practices for discussing end-of-life care with dying patients and their loved ones.

SEC. 10122. CONTINUING EDUCATION FOR PHYSICIANS AND NURSES.

(a) IN GENERAL.—Not later than January 1, 2012, the Secretary, acting through the Director of Health Resources and Services Administration, shall develop, in consultation with health care providers and State boards of medicine and nursing, a curriculum for continuing education that States may adopt for physicians and nurses on advance care planning and end-of-life care.

(b) CONTENT.—

(1) IN GENERAL.—The continuing education curriculum developed under subsection (a) for physicians and nurses shall, at a minimum, include—

(A) a description of the meaning and importance of advance care planning;

(B) a description of advance directives, including living wills and durable powers of attorney, and the use of such directives;

(C) palliative care principles and approaches to care; and

(D) the continuum of end-of-life services and supports, including palliative care and hospice.

(2) ADDITIONAL CONTENT FOR PHYSICIANS.—The continuing education curriculum for physicians developed under subsection (a) shall include instruction on how to conduct advance care planning with patients and their loved ones.

Subtitle B—Portability of Advance Directives; Health Information Technology

SEC. 10131. PORTABILITY OF ADVANCE DIRECTIVES.

(a) MEDICARE.—Section 1866(f) of the Social Security Act (42 U.S.C. 1395cc(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting ''and if presented by the individual, to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (3), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following new paragraph:

''(5)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider of services, a Medicare Advantage organization, or a prepaid or eligible organization shall be given the same effect by that provider or organization as an advance directive validly executed under the law of the State in which it is presented would be given effect.

''(B)(i) The definition of an advanced directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with regard to health care.

''(ii) For purposes of clause (i), the term 'actual knowledge' means the possession of information of an individual's wishes communicated to the health care provider orally or in writing by the individual, the individual's medical power of attorney representative, the individual's health care surrogate, or other individuals resulting in the health care provider's personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

''(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(b) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by striking ''in the individual's medical record'' and inserting ''in a prominent part of the individual's current medical record''; and

(ii) by inserting ''and if presented by the individual, to include the content of such advance directive in a prominent part of such record'' before the semicolon at the end;

(B) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) to provide each individual with the opportunity to discuss issues relating to the information provided to that individual pursuant to subparagraph (A) with an appropriately trained professional.'';

(2) in paragraph (4), by striking ''a written'' and inserting ''an''; and

(3) by adding at the end the following paragraph:

''(6)(A) An advance directive validly executed outside of the State in which such advance directive is presented by an adult individual to a provider or organization shall be given the same effect by that provider or organization as an advance directive validly

executed under the law of the State in which it is presented would be given effect.

''(B)(i) The definition of an advance directive shall also include actual knowledge of instructions made while an individual was able to express the wishes of such individual with regard to health care.

''(ii) For purposes of clause (i), the term 'actual knowledge' means the possession of information of an individual's wishes communicated to the health care provider orally or in writing by the individual, the individual's medical power of attorney representative, the individual's health care surrogate, or other individuals resulting in the health care provider's personal cognizance of these wishes. Other forms of imputed knowledge are not actual knowledge.

''(C) The provisions of this paragraph shall preempt any State law to the extent such law is inconsistent with such provisions. The provisions of this paragraph shall not preempt any State law that provides for greater portability, more deference to a patient's wishes, or more latitude in determining a patient's wishes.''.

(c) CHIP.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 2101(d)(2), 2101(e), and 6401(c), is further amended—

(1) by redesignating subparagraphs (G) through (N) as subparagraphs (H) through (O), respectively; and

(2) by inserting after subparagraph (F) the following:

''(G) Section 1902(w) (relating to advance directives).''.

(d) STUDY AND REPORT REGARDING IMPLEMENTATION.—

(1) STUDY.—The Secretary shall conduct a study regarding the implementation of the amendments made by subsections (a) and (b).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a), (b), and (c) shall apply to provider agreements and contracts entered into, renewed, or extended under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), and to State plans under title XIX of such Act (42 U.S.C. 1396 et seq.) and State child health plans under title XXI of such Act (42 U.S.C. 1397aa et seq.), on or after such date as the Secretary specifies, but in no case may such date be later than 1 year after the date of enactment of this Act.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act or a State child health plan under title XXI of such Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsections (b) and (c), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 10132. STATE ADVANCE DIRECTIVE REGISTRIES; DRIVER'S LICENSE ADVANCE DIRECTIVE NOTATION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g) is amended by adding at the end the following:

''SEC. 399X. STATE ADVANCE DIRECTIVE REGISTRIES.

''(a) STATE ADVANCE DIRECTIVE REGISTRY.—In this section, the term 'State advance directive registry' means a secure, electronic database that—

''(1) is available free of charge to residents of a State; and

''(2) stores advance directive documents and makes such documents accessible to medical service providers in accordance with Federal and State privacy laws.

''(b) GRANT PROGRAM.—Beginning on July 1, 2010, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants on a competitive basis to eligible entities to establish and operate, directly or indirectly (by competitive grant or competitive contract), State advance directive registries.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall—

''(A) be a State department of health; and

''(B) submit to the Director an application at such time, in such manner, and containing—

''(i) a plan for the establishment and operation of a State advance directive registry; and

''(ii) such other information as the Director may require.

''(2) NO REQUIREMENT OF NOTATION MECHANISM.—The Secretary shall not require that an entity establish and operate a driver's license advance directive notation mechanism for State residents under section 399Y to be eligible to receive a grant under this section.

''(d) ANNUAL REPORT.—For each year for which an entity receives an award under this section, such entity shall submit an annual report to the Director on the use of the funds received pursuant to such award, including the number of State residents served through the registry.

''(e) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2010 and each fiscal year thereafter.

''SEC. 399Y. DRIVER'S LICENSE ADVANCE DIRECTIVE NOTATION.

''(a) IN GENERAL.—Beginning July 1, 2010, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall award grants on a competitive basis to States to establish and operate a mechanism for a State resident with a driver's license to include a notice of the existence of an advance directive for such resident on such license.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall—

''(1) establish and operate a State advance directive registry under section 399X; and

''(2) submit to the Director an application at such time, in such manner, and containing—

''(A) a plan that includes a description of how the State will—

''(i) disseminate information about advance directives at the time of driver's license application or renewal;

''(ii) enable each State resident with a driver's license to include a notice of the existence of an advance directive for such resident on such license in a manner consistent with the notice on such a license indicating a driver's intent to be an organ donor; and

''(iii) coordinate with the State department of health to ensure that, if a State resident has an advance directive notice on his or her driver's license, the existence of such advance directive is included in the State registry established under section 399X; and

''(B) any other information as the Director may require.

''(c) ANNUAL REPORT.—For each year for which a State receives an award under this section, such State shall submit an annual report to the Director on the use of the funds received pursuant to such award, including the number of State residents served through the mechanism.

''(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2010 and each fiscal year thereafter.''.

SEC. 10133. GAO STUDY AND REPORT ON ESTABLISHMENT OF NATIONAL ADVANCE DIRECTIVE REGISTRY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the feasibility of a national registry for advance directives, taking into consideration the constraints created by the privacy provisions enacted as a result of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191).

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a) together with recommendations for such legislation and administrative action as the Comptroller General of the United States determines to be appropriate.

Subtitle C—National Uniform Policy on Advance Care Planning

SEC. 10141. STUDY AND REPORT BY THE SECRETARY REGARDING THE ESTABLISHMENT AND IMPLEMENTATION OF A NATIONAL UNIFORM POLICY ON ADVANCE DIRECTIVES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the Office of the Assistant Secretary for Planning and Evaluation, shall conduct a thorough study of all matters relating to the establishment and implementation of a national uniform policy on advance directives for individuals receiving items and services under titles XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.; 1396 et seq.; 1397aa et seq.).

(2) MATTERS STUDIED.—The matters studied by the Secretary under paragraph (1) shall include issues concerning—

(A) family satisfaction that a patient's wishes, as stated in the patient's advance directive, were carried out;

(B) the portability of advance directives, including cases involving the transfer of an individual from 1 health care setting to another;

(C) immunity from civil liability and criminal responsibility for health care providers that follow the instructions in an individual's advance directive that was validly executed in, and consistent with the laws of, the State in which it was executed;

(D) conditions under which an advance directive is operative;

(E) revocation of an advance directive by an individual;

(F) the criteria used by States for determining that an individual has a terminal condition;

(G) surrogate decisionmaking regarding end-of-life care;

(H) the provision of adequate palliative care (as defined in paragraph (3)), including pain management;

(I) adequate and timely referrals to hospice care programs; and

(J) the end-of-life care needs of children and their families.

(3) PALLIATIVE CARE.—For purposes of paragraph (2)(H), the term ''palliative care'' means interdisciplinary care for individuals

with a life-threatening illness or injury relating to pain and symptom management and psychological, social, and spiritual needs and that seeks to improve the quality of life for the individual and the individual's family.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) CONSULTATION.—In conducting the study and developing the report under this section, the Secretary shall consult with the Uniform Law Commissioners, and other interested parties.

Subtitle D—Compassionate Care Workforce Development

SEC. 10151. EXEMPTION OF PALLIATIVE MEDICINE FELLOWSHIP TRAINING FROM MEDICARE GRADUATE MEDICAL EDUCATION CAPS.

(a) DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)), as amended by section 5503(a)(1), is amended—

(1) in clause (i), by inserting ''clause (iii) and'' after ''subject to''; and

(2) by adding at the end the following new clause:

''(iii) INCREASE ALLOWED FOR PALLIATIVE MEDICINE FELLOWSHIP TRAINING.—For cost reporting periods beginning on or after January 1, 2011, in applying clause (i), there shall not be taken into account full-time equivalent residents in the field of allopathic or osteopathic medicine who are in palliative medicine fellowship training that is approved by the Accreditation Council for Graduate Medical Education.''.

(b) INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)), as amended by sections 5503(b)(2) and 5505(b), is further amended by adding at the end the following new clause:

''(xi) Clause (iii) of subsection (h)(4)(F) shall apply to clause (v) in the same manner and for the same period as such clause (iii) applies to clause (i) of such subsection.''.

SEC. 10152. MEDICAL SCHOOL CURRICULA.

(a) IN GENERAL.—The Secretary, in consultation with the Association of American Medical Colleges, shall establish guidelines for the imposition by medical schools of a minimum amount of end-of-life training as a requirement for obtaining a Doctor of Medicine degree in the field of allopathic or osteopathic medicine.

(b) TRAINING.—Under the guidelines established under subsection (a), minimum training shall include—

(1) training in how to discuss and help patients and their loved ones with advance care planning;

(2) with respect to students and trainees who will work with children, specialized pediatric training;

(3) training in the continuum of end-of-life services and supports, including palliative care and hospice;

(4) training in how to discuss end-of-life care with dying patients and their loved ones; and

(5) medical and legal issues training.

(c) DISTRIBUTION.—Not later than January 1, 2011, the Secretary shall disseminate the guidelines established under subsection (a) to medical schools.

(d) COMPLIANCE.—Effective beginning not later than July 1, 2012, a medical school that is receiving Federal assistance shall be required to implement the guidelines established under subsection (a). A medical school that the Secretary determines is not implementing such guidelines shall not be eligible for Federal assistance.

Subtitle E—Additional Reports, Research, and Evaluations

SEC. 10161. NATIONAL MORTALITY FOLLOWBACK SURVEY.

(a) IN GENERAL.—Not later than December 31, 2010, and annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall renew and conduct the National Mortality Followback Survey (referred to in this section as the ''Survey'') to collect data on end-of-life care.

(b) PURPOSE.—The purpose of the Survey shall be to gain a better understanding of current end-of-life care in the United States.

(c) QUESTIONS.—

(1) IN GENERAL.—In conducting the Survey, the Director of the Centers for Disease Control and Prevention shall, at a minimum, include the following questions with respect to the loved one of a respondent:

(A) Did he or she have an advance directive, and if so, when it was completed.

(B) Did he or she have an order for life-sustaining treatment, and if so, when was it completed.

(C) Did he or she have a durable power of attorney, and if so, when it was completed.

(D) Had he or she discussed his or her wishes with loved ones, and if so, when.

(E) Had he or she discussed his or her wishes with his or her physician, and if so, when.

(F) In the opinion of the respondent, was he or she satisfied with the care he or she received in the last year of life and in the last week of life.

(G) Was he or she cared for by hospice, and if so, when.

(H) Was he or she cared for by palliative care specialists, and if so, when.

(I) Did he or she receive effective pain management (if needed).

(J) What was the experience of the main caregiver (including if such caregiver was the respondent), and whether he or she received sufficient support in this role.

(2) ADDITIONAL QUESTIONS.—Additional questions to be asked during the Survey shall be determined by the Director of the Centers for Disease Control and Prevention on an ongoing basis with input from relevant research entities.

SEC. 10162. INSPECTOR GENERAL INVESTIGATION OF FRAUD AND ABUSE.

In accordance with the recommendations of the Medicare Payment Advisory Commission for additional data (as contained in the March 2009 report entitled ''Report to Congress: Medicare Payment Policy''), the Secretary shall direct the Office of the Inspector General of the Department of Health and Human Services to investigate, not later than January 1, 2012, the following with respect to hospice benefit under Medicare, Medicaid, and CHIP:

(1) The prevalence of financial relationships between hospices and long-term care facilities, such as nursing facilities and assisted living facilities, that may represent a conflict of interest and influence admissions to hospice.

(2) Differences in patterns of nursing home referrals to hospice.

(3) The appropriateness of enrollment practices for hospices with unusual utilization patterns (such as high frequency of very long stays, very short stays, or enrollment of patients discharged from other hospices).

(4) The appropriateness of hospice marketing materials and other admissions practices and potential correlations between length of stay and deficiencies in marketing or admissions practices.

SEC. 10163. GAO STUDY AND REPORT ON PROVIDER ADHERENCE TO ADVANCE DIRECTIVES.

Not later than January 1, 2012, the Comptroller General of the United States shall conduct a study of the extent to which providers comply with advance directives under the Medicare and Medicaid programs and shall submit a report to Congress on the results of such study, together with such recommendations for administrative or legislative changes as the Comptroller General determines appropriate.

SA 3240. Mr. ROCKEFELLER (for himself, Mr. LIEBERMAN, Mr. WHITEHOUSE, and Mr. BINGAMAN) 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. 3403A. IMPROVEMENTS TO THE INDEPENDENT MEDICARE ADVISORY BOARD.

Section 1899A of the Social Security Act, as added by section 3403, is amended—

(1) in subsection (c)—

(A) in paragraph (2)(A), by striking clause (iii) and inserting the following new clause:

''(iii) As appropriate, the proposal may include recommendations to adjust payments with respect to all providers of services (as defined in section 1861(u)) and suppliers (as defined in section 1861(d)).'';

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by inserting ''or'' at the end;

(ii) in subclause (II), by striking ''; or'' at the end and inserting a period; and

(iii) by striking subclause (III);

(C) in paragraph (7)(C), by striking clause (i) and inserting the following new clause:

''(i) in the case of implementation year 2015 or any subsequent implementation year, 1.5 percent; and''; and

(D) by striking paragraph (8);

(2) in subsection (e), by striking ''August 15'' each place it appears and inserting ''June 1'';

(3) in subsection (f)(3)(B), by striking ''or advisory reports to Congress'' and inserting '', advisory reports, or other reports'';

(4) by redesignating subsections (g) through (m) as subsections (i) through (o), respectively; and

(5) by adding at the end the following new subsections:

''(g) PROPOSALS IN NON-DETERMINATION YEARS.—

''(1) IN GENERAL.—In any proposal year in which the Board is not required to transmit a proposal to the President by reason of the application of subclause (I) or (II) of subsection (c)(3)(A)(ii), the Board shall transmit a proposal under this section to the President on January 15 of the year. Except as provided in paragraph (2), such a proposal shall be treated as a proposal under this section and all of the provisions of this section with respect to proposals, including the requirements under paragraphs (2) and (4) of subsection (c) and the required Congressional consideration under subsection (d), shall apply to the proposal.

''(2) EXCEPTIONS.—The following rules shall apply to a proposal transmitted pursuant to paragraph (1):

''(A) RECOMMENDATIONS FOR ACHIEVING TARGET.—The requirement under subsection (c)(2)(A)(i) shall not apply.

''(B) REQUIRED INFORMATION.—The proposal shall not include—

''(i) recommendations described in subsection (c)(2)(A)(i), pursuant to subsection (c)(3)(B)(i); or

''(ii) an actuarial opinion by the Chief Actuary of the Centers for Medicare & Medicaid Services certifying that the proposal meets the requirements of subsection (c)(2)(A)(i), pursuant to subsection (c)(3)(B)(iii);

''(C) CONTINGENT SECRETARIAL PROPOSAL.—The Secretary shall not submit a proposal if the Board fails to submit a proposal pursuant to subsection (c)(5).

''(D) CONGRESSIONAL CONSIDERATION.—

''(i) Subparagraphs (A) and (B) of subsection (d)(3) shall be applied by substituting 'subsection (c)(2)(C)' for 'subparagraphs (A)(i) and (C) of subsection (c)(2)'.

''(ii) Subparagraphs (D) and (E) of subsection (d)(3) and subsection (d)(4)(B)(v) shall be applied by requiring a simple majority rather than three-fifths of the Members duly chosen and sworn.

''(iii) Subsection (d)(4)(B)(iv) shall not apply.

''(iv) Subsection (d)(4)(C)(v)(II) shall be applied by substituting 'subsection (c)(2)(C)' for 'subparagraphs (A)(i) and (C) of subsection (c)(2)'.

''(v) Subsection (d)(4)(E)(iv)(II) shall be applied by substituting 'subsection (c)(2)(C)' for 'subparagraphs (A)(i) and (C) of subsection (c)(2)'.

''(E) SECRETARIAL IMPLEMENTATION.—Subsection (e) shall not apply and the Secretary shall not implement the recommendations contained in the proposal unless the Secretary otherwise has the authority to implement such recommendations.

''(h) ANNUAL REPORT WITH RECOMMENDATIONS WITH RESPECT TO THE PRIVATE SECTOR.—

''(1) IN GENERAL.—Not later than July 1, 2014, and January 15, 2015, and annually thereafter, the Board shall submit to Congress, the Secretary, and the Medicaid and CHIP Payment and Access Commission a report that includes recommendations on—

''(A) requirements under the program under this title (or requirements included in the proposal submitted under this section in the year); and

''(B) in the case of any report submitted in a year after a determination year (beginning with determination year 2017) in which the Chief Actuary of the Centers for Medicare & Medicaid Services has made a determination described in subclause (I) or (II) of subsection (c)(3)(A)(ii), other requirements determined appropriate by the Board;

that should be included in the requirements established under section 1311(c) of the Patient Protection and Affordable Care Act for a health plan to be certified as a qualified health plan, such as requirements that improve the health care delivery system and health outcomes (including by promoting integrated care, care coordination, prevention and wellness, and quality and efficiency), decrease health care spending, and other appropriate improvements

''(2) INCORPORATION INTO CERTIFICATION REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall review the recommendations contained in the report submitted to the Secretary by the Board under paragraph (1). The Secretary may, if determined appropriate, incorporate such recommendations into the requirements for certification under such section 1311(c).

''(B) REPORT TO CONGRESS.—Not later than December 31, 2014, and June 15, 2015, and annually thereafter, the Secretary shall submit to Congress a report on the application of subparagraph (A). Such report shall include, with respect to each recommendation contained in a report submitted by the Board in that year, a description of whether or not the Secretary incorporated the recommendation into the requirements for certification under such section 1311(c), and if not, the reasons why.

''(3) MACPAC.—The Medicaid and CHIP Payment and Access Commission shall—

''(A) review whether or not recommendations contained in a report submitted to the Commission by the Board under paragraph (1) would improve the Medicaid program under title XIX and the Children's Health Insurance Program under title XXI if implemented under such programs; and

''(B) include in the Commission's annual report to Congress the results of such review.''.

SA 3241. Mr. CARPER (for himself, Mr. CONRAD, 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 722, after line 20, insert the following:

SEC. 3016. INTEGRATED HEALTH CARE SYSTEM COLLABORATION INITIATIVE.

(a) IN GENERAL.—In order to improve health care quality and reduce costs, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall develop, in consultation with major integrated health systems that have consistently demonstrated high quality and low cost (as determined by the Secretary and verified by a third party) a collaboration initiative (referred to in this section as ''the Collaborative''). The Collaborative shall develop an exportable model of optimal health care delivery to apply value-based measurement, integrated information technology infrastructure, standard care pathways, and population-based payment models, to measurably improve health care quality, outcomes, and patient satisfaction and achieve cost savings.

(b) PARTICIPATION.—Prior to January 1, 2010, the Secretary shall determine 5 initial participants who will form the Collaborative and at least 6 additional participants who will join the Collaborative beginning in the fourth year that the Collaborative is in effect.

(1) INITIAL PARTICIPANTS.—Initial participants selected by the Secretary shall meet the following criteria:

(A) Be integrated health systems organized for the purpose of providing health care services.

(B) Have demonstrated a record of providing high value health care for at least the 5 previous years, as determined by the Secretary in consultation with the Medicare Payment Advisory Commission.

(C) Agree to participate in the Medicare shared savings program under section 1899 of the Social Security Act, as added by section 3022, the National pilot program on payment bundling under section 1866D of such Act, as added by section 3023, or a program under the Center for Medicare and Medicaid Innovation under section 1115A of such Act, as added by section 3021.

(D) Any additional criteria specified by the Secretary.

(2) ADDITIONAL PARTICIPANTS.—Beginning January 1, 2013, the Secretary shall select 6 or more additional participants who represent diverse geographic areas and are situated in areas of differing population densities who agree to comply with the guidelines, processes, and requirements set forth for the Collaborative. Such additional participants shall meet the following additional criteria:

(A) Be organized for the provision of patient medical care.

(B) Be capable of implementing infrastructure and health care delivery modifications necessary to enhance health care quality and efficiency, as determined by the Secretary in consultation with the Medicare Payment Advisory Commission.

(C) The participant's cost and intensity of care do not meet the definition of high value health care.

(D) Agree to participate in the Medicare shared savings program under section 1899 of the Social Security Act, as added by section 3022, the National pilot program on payment bundling under section 1866D of such Act, as added by section 3023, or a program under the Center for Medicare and Medicaid Innovation under section 1115A of such Act, as added by section 3021.

(E) The participant would benefit from such participation (as determined by the Secretary, based on the likelihood that the participant would improve its performance under section 1886(p) of the Social Security Act, as added by section 3008, section 1886(q) of such Act, as added by section 3025, or any similar program under title XVIII of the Social Security Act).

(3) ADDITIONAL CRITERIA.—In addition to the criteria described in paragraphs (1) and (2), the participants in the Collaborative shall meet the following criteria:

(A) Agree to report on quality, cost, and efficiency in such form, manner, and frequency as specified by the Secretary.

(B) Provide care to patients enrolled in the Medicare program.

(C) Agree to contribute to a best practices network and website, that is maintained by the Collaborative for sharing strategies on quality improvement, care coordination, efficiency, and effectiveness.

(D) Use patient-centered processes of care, including those that emphasize patient and caregiver involvement in shared decision-making for treatment decisions.

(E) Meet other criteria determined to be appropriate by the Secretary.

(c) COLLABORATIVE INITIATIVE.—

(1) IN GENERAL.—Beginning January 1, 2010, the Collaborative shall begin a 2 year development phase in which initial participants share the quantitative and qualitative methods through which they have developed high value health care followed by a dissemination of that learning model to additional participants of the Collaborative.

(2) COORDINATING MEMBER.—In consultation with the Secretary, the Collaborative shall select a coordinating member organization (hereafter identified as the Coordinating Organization) of the Collaborative.

(3) QUALIFICATIONS.—The Coordinating Organization will have in place a comprehensive Medicare database and possess experience using and analyzing Medicare data to measure health care utilization, cost, and variation. The Coordinating Organization shall be responsible for reporting to the Secretary as required and for any other requirements deemed necessary by the Secretary.

(4) RESPONSIBILITIES.—The Coordinating Member shall—

(A) lead efforts to develop each aspect of the learning model;

(B) organize efforts to disseminate the learning model for high value health care, including educating participant institutions; and

(C) provide administrative, technical, accounting, reporting, organizational and infrastructure support needed to carry out the goals of the Collaborative.

(5) DEVELOPMENT OF LEARNING MODEL.—

(A) IN GENERAL.—Initial participants in the Collaborative shall work together to develop a learning model based on their experience that includes a reliance on evidence based care that emphasizes quality and practice techniques that emphasize efficiency, joint development and implementation of health information technology, introduction of clinical microsystems of care, shared decision-making, outcomes and measurement, and the establishment of an e-learning distributive network, which have been put into practice at their respective institutions.

(B) RESPONSIBILITIES.—The Coordinating Member shall do the following:

(i) Partner with initial participants to comprehensively understand each institution's contribution to providing value-based health care.

(ii) Provide and measure value-based health care in a manner that ensures that measures are aligned with current measures approved by a consensus-based organization, such as the National Quality Forum, or other measures as determined appropriate by the Secretary, while also incorporating patient self-reported status and outcomes.

(iii) Create a replicable and scalable infrastructure for common measurement of value-based care that can be broadly disseminated across the Collaborative and other institutions.

(iv) Implement care pathways for common conditions using standard measures for assessment across institutions, targeting high variation and high cost conditions, including but not limited to—

(I) acute myocardial infarction (AMI) and angioplasty;

(II) coronary artery bypass graft surgery and percutaneous coronary intervention;

(III) hip or knee replacement;

(IV) spinal surgery; and

(V) care for chronic diseases including, but not limited to, diabetes, heart disease, and high blood pressure.

(v) Deploy and disseminate the comprehensive learning model across initial participant institutions, achieving improvements in care delivery and lowering costs, and demonstrating the portability and viability of the processes.

(6) ADDITIONAL BEST PRACTICES.—As additional methods of improving health care quality and efficiency are identified by members of the Collaborative or by other institutions, Initial Participants in the Collaborative shall incorporate those practices into the learning model.

(d) IMPLEMENTATION OF LEARNING MODEL.—Beginning January 1, 2013, as additional participants are selected by the Secretary, Initial Participants in the Collaborative shall actively engage in the deployment of the learning model to educate each additional participant in the common conditions that have been identified.

(1) DISSEMINATION OF LEARNING MODEL.—Dissemination methods shall include but not be limited to the following methods:

(A) Specialized teams deployed by the Initial Participants to teach and facilitate implementation on site.

(B) Distance-learning, taking advantage of latest interactive technologies.

(C) On-line, fully accessible repositories of shared learning and information related to best practices.

(D) Advanced population health information technology models.

(2) EVALUATION OF PARTICIPANTS.—

(A) IN GENERAL.—Evaluation of initial participants shall be based on documented success in meeting quality and efficiency measurements. Specific statistically valid measures of evaluation shall be determined by the Secretary.

(B) PERFORMANCE TARGETS.—The Secretary shall develop performance targets for participants. Performance targets developed under the preceding sentence shall be based on whether participants have improved their performance under section 1886(p) of the Social Security Act, as added by section 3008, section 1886(q) of such Act, as added by section 3025, or any similar program under title XVIII of the Social Security Act (as determined by the Secretary).

(e) MEASUREMENT OF LEARNING MODEL.—Participants shall implement techniques under the comprehensive learning model. The Secretary shall determine whether such implementation improves quality and efficiency, including cost savings relative to baseline spending for the common conditions specified under subsection (c)(5)(B)(iv) and quality measures endorsed by a consensus-based organization or otherwise chosen by the Secretary. The Collaborative shall prepare a report annually on each participant's performance with respect to the efficiency and quality measurements established by the Secretary. Such report shall be submitted to the Secretary and Congress and shall be made publicly available.

(f) ADMINISTRATIVE PAYMENT.—For purposes of carrying out this section, there are authorized to be appropriated $228,000,000, to remain available until expended. Amounts appropriated under the preceding sentence shall be distributed in the following manner:

(1) The Coordinating Organization shall receive $10,000,000 per year for program development related to the Collaborative, including for health information technology and other infrastructure, project evaluations, analysis, and measurement, compliance, auditings and other reporting. Not less than $5,000,000 of such funds shall be provided for education and training, including for support for the establishment of training teams for the Collaborative, to assist in the integration of new health information technology, best practices of care delivery, microsystems of care delivery, and a distributive e-learning network for the Collaborative.

(2) Each Initial Participant shall receive $4,000,000 per year for internal program development for health information technology and other infrastructure, education and training, project evaluations, analysis, and measurement, and compliance, auditing, and other reporting.

(3) Beginning in 2013, the Secretary may provide funding to additional participants in the Collaborative in an amount not to exceed $4,000,000 per participant per year under the same use guidelines as apply to the Initial Participants.

(g) CONTINUATION OR EXPANSION.—

(1) TERMINATION.—Subject to paragraph (2), the Collaborative shall terminate on the date that is 6 years after the date on which the Collaborative is established.

(2) EXPANSION.—The Secretary may continue or expand the Collaborative if the Collaborative is consistently exceeding quality standards and is not increasing spending under the program.

(h) TERMINATION.—The Secretary may terminate an agreement with a participating organization under the Collaborative if such organization consistently failed to meet quality standards in the fourth year or any subsequent year of the Collaborative

(i) REPORTS.—

(1) PERFORMANCE RESULTS REPORTS.—The Secretary shall provide such data as is necessary for the Collaborative to measure the efficacy of the Collaborative and facilitate regular reporting on spending and cost savings results relative to a value-based program initiative.

(2) REPORTS TO CONGRESS.—Not later than 2 years after the date the first agreement is entered into under this section, and annually thereafter, the Secretary shall submit to Congress and make publicly available a report on the authority granted to the Secretary to carry out the Collaborative under this section. Each report shall address the impact of the use of such authority on expenditures for, access to, and quality of, care under title XVIII of the Social Security Act.

(j) DEFINITIONS.—In this section:

(1) BENEFICIARY.—The term ''beneficiary'' means a Medicare beneficiary enrolled under part B and entitled to benefits under part A who is not enrolled in Medicare Advantage under Part C or a PACE program under section 1894, and meets other criteria as the Secretary determines appropriate.

(2) HIGH VALUE HEALTH CARE.—The term ''high value health care'' means the care delivered by organizations shown by statistically valid methods to meet the highest quality measures established by the Secretary as of or after the date of enactment of this Act and to be delivering low-cost care with high patient satisfaction and clinical outcomes.

(3) LEARNING MODEL.—The term ''learning model'' means a standardized model developed by the Initial Participants in the Collaborative and based on best practices, as jointly developed and put into practice at the Initial Participant's respective institutions.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(k) ADDITIONAL MONITORING.—The Secretary may monitor data on expenditures and quality of services under title XVIII of the Social Security Act with respect to a beneficiary after the beneficiary discontinues receiving services under the Collaborative.

(l) OTHER PROVISIONS.—

(1) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under this section or otherwise of—

(A) the elements, parameters, scope, and duration of the Collaborative, including the selection of participants in the Collaborative;

(B) the establishment of targets, measurement of performance;

(C) determinations with respect to whether savings have been achieved and the amount of savings; and

(D) decisions about the extension or expansion of the Collaborative.

(2) ADMINISTRATION.—Chapter 35 of title 44, 4 United States Code shall not apply to this section.

(3) MONITORING.—The Inspector General of the Department of Health and Human Services shall provide for monitoring of the operation of the Collaborative with regard to violations of section 1877 of the Social Security Act (popularly known as the ''Stark law'').

(4) ANTI-DISCRIMINATION.—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the Collaborative, or with an entity to administer the Collaborative, unless such entity guarantees that it will not deny, limit, or condition the coverage or provision of benefits under the Collaborative for beneficiaries to participate in the Collaborative, based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS–

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, December 17, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting on pending committee issues, to be followed by an oversight hearing on the Cobell v. Salazar Settlement Agreement.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET–

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 15, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on December 15, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 15, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Ensuring the Effective Use of DNA Evidence to Solve Rape Cases Nationwide.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 15, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on December 15, 2009, at 10 a.m. to conduct a hearing entitled ''One DHS, One Mission: Efforts to Improve Management Integration at DHS.''

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

NEAR EASTERN AND SOUTH AND CENTRAL ASIAN AFFAIRS SUBCOMMITTEE

Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 15, 2009, at 10 a.m., to hold a Near Eastern Subcommittee hearing entitled ''Reevaluating U.S. Policy in Central Asia.''

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

PRIVILEGES OF THE FLOOR

Mr. CRAPO. Mr. President, I ask unanimous consent that Rachel Johnson and Amanda Critchfield, two staffers from my office, be granted the privilege of the floor for the remainder of the consideration of H.R. 3590.

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

Mr. MENENDEZ. Mr. President, I ask unanimous consent that Megan Moreau, a fellow in my office, be given floor privileges for the remainder of debate on H.R. 3590, the health care reform legislation currently pending.

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

ORDERS

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Wednesday, December 16; 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, with the first hour equally divided and controlled between the leaders or their designees, with the majority leader controlling the first half and the Republicans controlling the second half.

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

PROGRAM

Mr. PRYOR. Mr. President, we expect votes tomorrow in relation to the Hutchison motion to commit regarding taxes and implementation and the Sanders amendment regarding a national single-payer system. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Wednesday, December 16, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED AND FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 8037:

To be lieutenant general

BRIG. GEN. RICHARD C. HARDING

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be colonel

LAWRENCE W. STEINKRAUS, JR.

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

KRISTI L. JONES
JAMES A. OBESTER, JR.
PAVEENA POSANG
BRUNO A. SCHMITZ

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

RAYMOND KING

To be major

LISA B. BROWNING
BERNHARD K. STEPKE

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAWN Y. TAYLOR

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

WALTER COFFEY
RUSSELL P. REITER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DEAN A. AMBROSE
RONALD R. DURBIN
THOMAS R. PRINCE
JOHN W. TROGDON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

PATRICK R. BOSSETTA
WILLIAM J. COFFIN
DENNIS C. DEELEY
HAMILTON D. RICHARDS
HELEN E. ROGERS
JOHN R. WHITFORD

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WILLIAM J. MITCHELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SAM B. CLONTS, JR.
JAMES C. FAILMEZGER
CAROLINE P. FERMIN
HENRY E. MULL, JR.
RALPH L. PRICE III

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING WADE BROCK FOR WINNING THE GIRLS' DIVISION IV STATE SOFTBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. SPACE. Madam Speaker:

Whereas, Wade Brock showed hard work and dedication to the sport of softball; and

Whereas, Wade Brock was a supportive coach; and

Whereas, Wade Brock always displayed sportsmanship on and off of the field; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Wade Brock on winning the Girls' Division IV State Softball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2008–2009 softball season.

RECOGNIZING THE 35TH ANNIVERSARY OF THE VILLAGE OF WONDER LAKE

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. BEAN. Madam Speaker, I rise to recognize the Village of Wonder Lake, a town in my district celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

The Village of Wonder Lake is celebrating its 35 year anniversary. Located in McHenry County, Wonder Lake takes its name from the largest private man-made lake in the state of Illinois. In the 1850s, the area of was served by the Harsh School, a one room log building serving about a dozen farmhouses. It was not until 1974 that Wonder Lake was incorporated as residents of the Sunrise Ridge community came together to form a village.

Madam Speaker, the Village of Wonder Lake is unique in its history and adds greatly to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of the Village of Wonder Lake for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Wonder Lake for reaching their 35th anniversary and I wish them continued success in the future.

HONORING DONNA COOK FREEMAN OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague Rep. MIKE THOMPSON to honor the memory of Donna Cook Freeman of Bodega Bay in my district, an energetic community activist whose petite frame exuded a feisty kind of determination combined with warmth and humor that earned friends, political power and a long list of accomplishments.

Donna came to Bodega Bay a half century ago as a young, poor and pregnant fisherman's wife with two small children in tow. She left Bodega Bay and this earthly plain on October 30, 2009 after two weeks of farewell visits from at least 150 friends. She was 72.

Donna Cook Freeman became involved in local politics in the early 60s in one of the earliest environmental battles of the modern era, the fight over the planned construction of a nuclear power plant at Bodega Head. Donna and several other "ordinary" townspeople and their friends took on the giant utility, and ultimately won after they exposed the danger of building the plant directly on the San Andreas Fault.

Remaining active in coastal issues, she served on the California Coastal Commission's advisory board for the county's coastal plan. She campaigned for a local assessment to provide paramedics for the Bodega Bay Fire Protection District. Later she served three terms as a director of the Fire District. She was also a founder of the Bodega Bay Fishermen's Festival, and served as president and a director of the Bodega Bay Chamber of Commerce, and for a decade she served on the board of the Sonoma County Fair. She successfully fought for new port facilities for commercial and recreational fishermen that became Spud Point Marina.

She also created a special place in a scrub filled ravine at the foot of Bodega Head. She filled it with cool ferns, waving trees, rippling ponds, narrow foot bridges and a gazebo she salvaged from the set of Alfred Hitchcock's Bodega Bay-based classic film, "The Birds." She called this sheltered refuge "Compass Rose Garden," named both for the center of a compass and her mother. She raised her family in a cottage in the garden, and turned its verdant grounds into a place for weddings, family events, community celebrations and political fund raisers that both advertised and expanded her political influence.

She served on the Democratic State Central Committee, and her endorsement was gold to numerous political candidates courting west Sonoma County votes. She served a vital role in ushering in progressive politics to the county when she successfully managed the campaign of former Sonoma County Supervisor Ernie Carpenter.

Last month she was diagnosed with advanced liver cancer and as her life ebbed away, she made plans for a final celebration at Compass Rose Garden. It was not to be. Yet she leaves a legacy of progress, a legion of friends and a loving family that includes her husband, Clarence Freeman, her two daughters Melinda McLees and Melissa Freeman; three sons, Scott Freeman, Kevin Freeman and Steve Freeman; and their families which include seven grandchildren; as well as her brother James Cook and a sister Dorothy Cook Hewett, and their families.

Madam Speaker, Donna Cook Freeman brought creativity, vibrancy and determination to every endeavor she took on. She led by her powers of persuasion and her personal magnetism. She was born in the Depression, but was guided through her life by her joyous sense of possibility. When the boats are blessed at the next Bodega Bay Fishermen's Festival, we will think of her and recall a spirit that could rise above the waves.

HONORING THE SONOMA VALLEY CHAMBER OF COMMERCE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor the 100th anniversary of the Sonoma Valley Chamber of Commerce. The Chamber has long served as a spirited defender of the Valley's interests, by encouraging new industry, organizing beautification projects and managing flood control efforts.

The Chamber began the evening of April 10, 1909, when 32 businessmen convened over dinner to discuss how they could stimulate commerce for the benefit of local merchants and professionals.

Membership quickly grew to 100 and the Chamber began their first initiatives, like publishing marketing material and establishing committees to begin tackling an ambitious agenda. In the early years, the Chamber called for transportation improvements and successfully lobbied Congress to protect a local federal facility from closure.

During the Great Depression, the Sonoma Valley Chamber of Commerce was instrumental in addressing needs of a paralyzed business community. To generate renewed interest in the organization, the Chamber hosted an event benefiting street and driveway improvements.

In the subsequent years, the Chamber pioneered many efforts, including the creation of a commuter bus service to San Francisco, the endorsement of a municipal water system, support for State Parks and advocacy for underground utility and telephone lines. Notably, the Chamber raised local matching funds for a job stimulus program that was part of President Roosevelt's New Deal.

Following the attack on Pearl Harbor, the Chamber was designated as a farm labor office tasked with steering workers to local farmers. In the years following the war, the Chamber focused on supporting an adequate sewage system, the introduction of local hospital and the adoption of a zoning plan.

By mid-century, the Chamber hosted an industrial conference, boldly escalating efforts to bring new industry to the Valley.

Today the Chamber has expanded its membership to more than 700 leaders who continue to help ensure a thriving economy through advocacy, promotion, networking, education and services.

Operating under the mantra that ''Strong businesses make strong communities'', the Chamber hosts events, publishes a business magazine and offers comprehensive business, community and visitor resources. The Chamber also leads recognition efforts, honoring the business of the year and green businesses.

Madam Speaker, it is appropriate at this time that we acknowledge the 100th anniversary of the Sonoma Valley Chamber of Commerce. In years to come, this organization will remain an integral and powerful force that continues to enrich the business community for the benefit of all Sonoma Valley residents.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor during the week of Monday, December 7, 2009, to Friday, December 11, 2009.

For Tuesday, December 8, 2009, had I been present I would have voted ''aye'' on rollcall vote No. 931, on motion to instruct conferees regarding H.R. 3288; ''aye'' on rollcall vote No. 932, on motion to suspend the rules and agree to Con. Res. 199; ''aye'' on rollcall vote No. 933, on motion to suspend the rules and agree to H. Con. Res. 206; ''aye'' on rollcall vote No. 934, on motion to suspend the rules and agree to H. Res. 940; ''aye'' on rollcall vote No. 935, on motion to suspend the rules and agree to H. Res. 845; ''aye'' on rollcall vote No. 936, on motion to suspend the rules and agree to H.R. 2278; ''aye'' on rollcall vote No. 937, on motion to suspend the rules and agree to H. Res. 915; ''aye'' on rollcall vote No. 938, on motion to suspend the rules and agree to H. Res. 907.

For Wednesday, December 9, 2009, had I been present I would have voted ''no'' on rollcall vote No. 939, on ordering the previous question to provide for consideration of H.R. 4213; ''no'' on rollcall vote No. 940, on agreeing to H. Res. 955); ''aye'' on rollcall vote No. 941, on motion to suspend the rules and pass H.R. 3951; ''no'' on rollcall vote No. 942, on motion to table appeal of the ruling of the chair regarding H.R. 4213; ''no'' on rollcall vote No. 943, on passage of H.R. 4213; ''aye'' on rollcall vote No. 944, on motion to suspend the rules and pass, as amended, H.R. 3603; ''no'' on rollcall vote No. 945, on agreeing to the resolution H. Res. 956; ''aye'' on rollcall vote No. 946, on motion to suspend the rules and agree to H.R. 86.

For Thursday, December 10, 2009, had I been present I would have voted ''no'' on rollcall vote No. 947, on ordering the previous question to provide for consideration of the Conference Report to H.R. 3288; ''no'' on rollcall vote No. 948, on agreeing to H. Res. 961, which provides for consideration of the Conference Report to H.R. 3288; ''no'' on rollcall vote No. 949, on agreeing to the Conference Report to H.R. 3288; ''aye'' on rollcall vote No. 950, on motion to suspend the rules and agree to H.R. 4017; ''no'' on rollcall vote No. 951, on agreeing to H. Res. 962; ''no'' on rollcall vote No. 952, on agreeing to H. Res. 964, which provides for consideration of H.R. 4173; ''no'' on rollcall vote No. 953, on agreeing to the Frank amendment No. 1 to H.R. 4173; ''aye'' on rollcall vote No. 954, on agreeing to the Sessions amendment to H.R. 4173; ''no'' on rollcall vote No. 955, on agreeing to the Lynch amendment to H.R. 4173; ''aye'' on rollcall vote No. 956, on agreeing to the Murphy (NY) amendment to H.R. 4173; ''no'' on rollcall vote No. 957, on agreeing to the Frank (MA) amendment to H.R. 4173; ''no'' on rollcall vote No. 958, on agreeing to the Stupak amendment to H.R. 4173; ''no'' on rollcall vote No. 959, on agreeing to the Stupak amendment to H.R. 4173.

For the morning of Friday, December 11, 2009, had I been present I would have voted ''no'' on rollcall vote No. 960, on agreeing to the Kanjosrki amendment to H.R. 4173; ''aye'' on rollcall vote No. 961, on agreeing to the McCarthy (CA) amendment to H.R. 4173; ''no'' on rollcall vote No. 962, on agreeing to the Peters amendment to H.R. 4173.

PROCLAMATION ISSUED TO BEULAH BAPTIST CHURCH

HON. HENRY C. ''HANK'' JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I would like to submit this proclamation which I issued to Beulah Baptist Church.

Whereas, the Beulah Baptist Church has been and continues to he a beacon of light to our county for the past 113 years; and

Whereas, Pastor Jerry D. Black and the members of the Beulah Baptist Church family today continues to uplift and inspire those in our county; and

Whereas, the Beulah Baptist Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past 113 years by preaching the gospel, singing the gospel and living the gospel; and

Whereas, Beulah has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Beulah Baptist Church family for their leadership and service to our District on this the 113th Anniversary of their founding:

Now Therefore, I, Henry C. ''Hank'' Johnson, Jr. do hereby proclaim November 22, 2009 as Beulah Baptist Church Day in the 4th Congressional District.

Proclaimed, this 22nd day of November, 2009.

ANDREA LEWIS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary life of Andrea Lewis. A talented journalist, radio news anchor and a true renaissance woman, Ms. Lewis had an uncanny ability to broach any subject with her impressive knowledge, affability and confidence. Ms. Lewis passed away Sunday, November 15, 2009 at the age of 52.

Andrea Lewis, a native of Detroit, Michigan, earned her B.A. from Eastern Michigan University, where she studied music, English literature, and art history. After moving to the Bay Area in 1983, she became an editor for Plexus: West Coast Women's Press, and in the late 1980s, she worked as a research editor for Mother Jones magazine. After gaining further publishing experience as an editorial assistant at Harper Collins Publishers in San Francisco and senior editor at Third Force Magazine in the early 90s, Ms. Lewis joined Pacific News Service as an associate editor.

Ms. Lewis, known for her rich, resonant voice, made an effortless transition to radio in 1999, joining the KPFA Morning Show as co-host of the two-hour weekday public affairs program. Though the warm tone and timbre of Andrea's voice was often praised, she is most remembered for voicing sound and well-researched opinions.

A tireless advocate and champion for civil rights, Ms. Lewis was particularly interested in combating sexism, racism and homophobia. Ms. Lewis acquired a following throughout her career, and was especially admired for her thoughtful and compassionate equanimity when discussing difficult subjects on or off the air.

More recently, Ms. Lewis took a year off to complete a 2008 Knight Journalism Fellowship at Stanford University. She returned as evening news co-anchor and host of a two-hour Sunday morning interview and call-in program that she dubbed ''Sunday Sedition.'' She was also a fellow in the Society of Professional Journalists Diversity Leadership Program from 2006 to 2007.

Among Ms. Lewis' many accolades were The National Federation of Community Broadcasters' Golden Reel award in 2002, the California Teachers Association's John Swett Award for Media Excellence in 2004, and many well-received published articles. Ms. Lewis was a regular contributor to Madison, Wisconsin's Progressive Magazine, and I am honored to hear that she was proud to have had a quotation from our 2005 interview included in the Progressive's 100th anniversary edition in April.

Ms. Lewis exercised a life-long passion for music as both a member of her university's choral group, which toured Europe, and for the last 20 years, as a talented alto in the San Francisco Symphony Chorus. Both Ms. Lewis and her family were so proud when the chorus

had the honor of performing at Carnegie Hall. She was also an avid reader, a sports fan and a lifelong golfer. She will be remembered by family, friends and colleagues for her laughter, her insight, her honesty and her vibrant spirit.

This evening, we salute and honor a great human being, Ms. Andrea Lewis. Our community is indebted to her life's contribution in countless ways. We extend our deepest condolences to Ms. Lewis's family and to all who were dear to her. May her soul rest in peace.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. WILSON of South Carolina. Madam Speaker, I submit to the RECORD the following remarks regarding my absence from votes which occurred on December 14th. Listed below is how I would have voted if I had been present.

H. Res. 779—Recognizing and supporting the goals and ideals of National Runaway Prevention Month, roll No. 969—"yea."

H. Res. 942—Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup, roll No. 970—"yea."

PERSONAL EXPLANATION

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. CHU. Madam Speaker, on rollcall No. 969, Runaway Prevention Month, rollcall No. 970, Real Salt Lake Soccer Club, had I been present, I would have voted "yea."

COMMEMORATING THE 70TH WEDDING ANNIVERSARY OF JAMES H. AND ELIZABETH GARBUTT SHAW

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. BOYD. Madam Speaker, I rise today to commemorate the 70th wedding anniversary of two American patriots residing in my District. Their deep dedication to this country founded in the commitment to each other is a testament to the strong values that have made this country and its people the model for the world to emulate.

James Henry Shaw married Elizabeth Garbutt on December 14, 1939 in Valdosta, GA. James is a former U.S. Marine who stormed the beaches of Yellow Beach with the First Marine Division on April 1, 1945 and fought long and hard in the entire 82-day campaign that saw over 50,000 American casualties including over 12,000 dead or missing. James was one of those casualties sustaining shrapnel wounds in his side earning him the Purple Heart. Once the island was secure, James and his fellow Marines began training exercises preparing to invade the main Islands of Japan on their push to Tokyo until the Japanese surrendered on August 15, 1945. He was then part of the occupying U.S. forces in China before returning home in 1946. Elizabeth remained back on the home front contributing to the vital efforts supporting our troops abroad. She raised two children and is now the proud matriarch of a family that has grown into 6 grandchildren and 11 great-grandchildren. Her son was a career Air Force enlisted man with his children all serving proudly in the officer and enlisted ranks of the United States Air Force. Her daughter had two sons that attended the United States Naval Academy and are currently active duty officers in the United States Navy. Besides being a father and grandfather, James has been a career railroad freight man moving to trucking freight later in his life and retiring. James and Elizabeth are now in their 9th decade, still living unassisted, and until recently, served tirelessly and unselfishly as volunteers at their local polling precinct assisting others to vote.

This achievement allows for reflection on what it means to remain in a committed and loving relationship dedicated to the values and ideals that help shape and foster the citizens of this great country. On behalf of my colleagues, and myself, I extend to James and Elizabeth Shaw my gratitude, deep appreciation, and continued health for many more years to come. Thank you both for your service and commitment to our country.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mrs. MCCARTHY of New York. Madam Speaker, yesterday, I missed 2 votes. Had I been present, I would have voted as follows:

Rollcall No. 969, on the Motion to Suspend the Rules and Agree, as Amended, to H. Res. 779, I would have voted "yea."

Rollcall No. 970, on the Motion to Suspend the Rules and Agree to H. Res. 942, I would have voted "yea."

100TH ANNIVERSARY OF THE MCALLEN MONITOR

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. CUELLAR. Madam Speaker, I rise today to honor the 100th anniversary of the McAllen Monitor, which has served as a vital news source for the Rio Grande Valley of south Texas and our communities.

This newspaper has accomplished a "century of service" to our community over the years.

From copy boys in the past, to computers in the present, the Monitor has kept an unprecedented pulse on south Texas.

They've generated news and reports of historic people, legends, events, tragedies and accomplishments, that have served to shape the story of the Rio Grande Valley.

The first issue was released on December 11, 1909.

The Monitor was founded in a small facility at the corner of Beaumont and Broadway in McAllen, Texas.

It was "humble beginnings" for our neighborhood paper.

Now the Monitor has a 100,000 square foot building, equipped with modern equipment and journalists of all backgrounds.

Over the past 100 years, the Monitor has undergone change, along with changes in news on a daily basis.

The paper was even renamed four times. But the spirit of its content, unchanged through all the years.

For a century now, the Monitor has provided a steady flow of information as a trusted news source throughout the region.

The McAllen Monitor has covered groundbreaking news items that have shaped the Nation, State, and community.

From 1909 to 2009, the newspaper has covered landmark events including:

"Black Tuesday" when the Nation fell into the Great Depression;

1933 when a hurricane hit Brownsville to McAllen;

and in August 1957, a Russian spy was taken into custody in McAllen.

In 1968, Hispanics participated in a walkout at Ecouch-Elsa High School because of unjust treatment in the school.

Three years later, Cesar Chavez visited the Valley followed by the great late Senator Edward "Ted" Kennedy who visited the Valley in October 1980.

These are landmark, local civil rights movements in our community.

For all these events in history, the Monitor was there.

That's why they are our trusted newsource in the Rio Grande Valley, McAllen and in south Texas.

They are our local newspaper who understands the spirit of our City and the values of our People.

Madam Speaker, I am honored to recognize the 100th anniversary of the McAllen Monitor newspaper.

The Monitor is celebrating 100 years of service, continuing its mission for the Rio Grande Valley of south Texas.

A century of news for our community, so I commend and congratulate the Monitor with the greatest gratitude.

RECOGNIZING THE VILLAGE OF MUNDELEIN'S 100TH ANNIVERSARY

HON. MELISSA L. BEAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. BEAN. Madam Speaker, I rise to recognize Mundelein, a town in my district celebrating a milestone anniversary this year. This community has made a unique contribution to the district I represent, and to the State of Illinois.

Mundelein is celebrating its 100th anniversary. As early as 1650, the Potawatomi Indians were trading with French fur traders in the area now known as Mundelein. Nearly two centuries later, a group of English immigrants came to the area and named their new community "Mechanics Grove". In 1921, Cardinal George Mundelein of Chicago bought property

in the village to construct St. Mary's of the Lake Seminary. The village changed its name again in 1924 in recognition of Cardinal Mundelein's success with the new seminary. Today, Mundelein has grown to a residential community of over 30,000 residents.

Madam Speaker, the village of Mundelein is unique in its history and adds to the vibrant community of the Eighth District of Illinois. I thank all the past leaders of village of Mundelein for their dedication to public service; their community would not have reached this milestone without their hard work and commitment. I congratulate Mundelein for reaching their 100th anniversary and I wish them continued success in the future.

PERSONAL EXPLANATION

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. GUTHRIE. Madam Speaker, I participated in an official trip to the Middle East to visit troops and commanders on the ground. As a result, I missed two votes on Monday, December 14, 2009. Had I been present, I would have voted ''yea'' on rollcall votes 969 and 970.

HONORING THE CAREER OF DEBORAH K. CRAWFORD

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to honor the career of Deborah K. Crawford of Jacksonville, Florida who has dedicated over 35 years of her professional career towards the protection of individual rights and reducing the administrative burden on taxpayers.

Deborah Crawford began her career as a Collection Representative for the Internal Revenue Service (IRS) working in Jacksonville, Fl representing many low-income individuals who needed help accessing benefits that they may have been entitled to under the law.

Deborah later moved onto the Problem Resolution Program (PRP), as a collection technician. Her positive attitude and willingness to go the extra mile was extremely beneficial to the citizens of North Florida which earned her the selection as the Congressional Liaison in the PRP.

When the PRP was displaced by the Taxpayer Advocate Service (TAS) Deborah continued on in her role as the Congressional Liaison. TAS is an independent organization within the IRS whose employees assist taxpayers who are experiencing economic hardships, who are seeking help in resolving problems with the IRS, or who believe that an IRS system or procedure is not working as it should.

Deborah also works with the Low Income Taxpayer Clinics to assure that the clinics operate within the guidelines and to provide representation to low income taxpayers with tax matters before the Internal Revenue Service.

Deborah continues her service to North Florida during her personal time with activities that include volunteer work with the animal shelter, zoo, and church. I commend and congratulate the impressive career history of Deborah K. Crawford and her devoted service to the taxpayers of North Florida.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. KIND. Madam Chair, I rise today in support of H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009.

Over the past year, we became aware of many financial practices which were abusive and reckless. We're putting an end to those practices and making ''too big to fail'' a thing of the past. Americans will no longer be responsible for the bad business calculations and irresponsible behavior that almost brought down our entire economic system. This bill effectively ends the notion of a government guarantee by allowing large, systemically risky institutions to fail at their own expense and in a way that doesn't jeopardize the whole U.S. financial system.

The legislation holds Wall Street accountable through increased transparency and regulation of risky practices. A new systemic risk regulator will monitor financial activity across the whole sector to identify risks and irresponsible behavior and prevent them from becoming a problem for individual investors and the entire economy. The bill also establishes an orderly process for dismantling large, failing companies—at their own expense, and requires that stockholders and executives take a financial hit if risky deals fall through, ensuring an end to taxpayer funded bailouts.

This bill effectively reforms our financial system without unduly restricting appropriate risk-taking. This is pro-business, anti-bailout legislation that aims to address the flaws in the current system in a targeted manner to minimize the burden on those who did not cause the crisis, like Community Banks and Credit Unions—most of whom will be exempt from additional oversight by the Consumer Financial Protection Agency, CFPA.

We are addressing the fractured oversight that exists in our current system. In creating a Consumer Financial Protection Agency, we will establish a baseline for consumer financial protection and target the appropriate financial institutions. If we are willing to demand that products used by our children are reviewed for safety, we should demand appropriate oversight for the financial products we use to pay for their college. More broadly, the CFPA will ensure that all consumers have a watchdog to protect them against financial institutions engaging in abusive or deceptive practices.

This bill focuses on reforming the system so that we maximize the good and minimize the harm, and I am proud to support it.

JASON HODGE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the exceptional life of Mr. Jason Hodge. A devoted son, brother, nephew, cousin, friend and colleague, Jason Hodge was taken from us too soon, on December 6, 2009. Today, let us find comfort in the joy he inspired and his wonderful spirit. He was a bright, confident, ambitious and kind man, who will be deeply missed.

After graduating from Skyline High School in 1992, Jason Hodge was accepted to the University of California, Berkeley. He soon learned how to overcome obstacles, however, when the local college funding program meant to help pay for his UC Berkeley tuition ran out of money. Although this was a terrible shock to Jason, he decided to utilize ingenuity and diligence to create a solution.

After attending Merritt College for two years, Jason was awarded a tuition scholarship from the Rotary Club of Oakland, enabling him to transfer to UC Berkeley as a junior. At this time, in addition to his studies and community involvement, Jason became the youngest person to ever win a seat on the Oakland School Board—he was only 21 years old.

Jason was elected to the School Board in 1996, after he offered fresh ideas and a student perspective in bringing change to local education programs. Although he had suffered disappointment as a result of the failed ''Promise'' college funding program, he wanted to do his best to provide opportunity and change for a new generation of Oakland students. He helped administer programs to protect children as they walked to and from school, and to provide transit passes for a safer commute. Jason was one of the first voices to decry the state's lack of funding for local public education, a problem which our community faces in even greater severity today.

Jason served two terms, and decided not to run for re-election to the board after the state took control of the district due to local financial troubles. For the last several years he served as the Vallejo City Unified School District spokesman, also serving as special assistant to Vallejo's superintendent and public information officer.

Jason will be remembered as a warm, compassionate person who was very close to his family. In his free time, he made sure to spend time with the people he loved, and also recently fulfilled a lifelong dream of traveling cross-country by train. He leaves behind his mother, father, three siblings, extended family and many loving friends. Although these days are difficult, I pray that our fond memories of Jason will bring us comfort and strength as we celebrate his life.

Today, California's 9th Congressional District salutes and honors a great human being, Mr. Jason Hodge. The contributions he made to others throughout his life are countless and precious. May his soul rest in peace.

SUPPORT FOR THE ''LET WALL STREET PAY FOR THE RESTORATION OF MAIN STREET ACT'' INTRODUCED BY REPRESENTATIVE PETER DEFAZIO

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. HIRONO. Madam Speaker, years of deregulation and exorbitant risk-taking in the financial markets contributed to the financial turmoil we're in today. Last week, the House passed a bill that would bring common sense reforms on Wall Street so that taxpayers would never again be on the hook for bailing out firms and banks for their risky, irresponsible behavior.

Congress must now pass legislation that puts people back to work. Through TARP, the federal government loaned billions of taxpayer dollars to Wall Street. It's time for Wall Street to help create jobs on Main Street.

This can happen in two ways: by using some of the available TARP funds and by imposing a modest Wall Street transaction tax on certain securities trades. This latter proposal could raise up to $150 billion a year, part of which could go toward infrastructure investment and partly to debt reduction.

I ask my colleagues to support these proposals so that we can curb speculation and create jobs that will put Americans back to work again.

RECOGNIZING FLORIDA'S PUBLIC SAFETY PARTNERSHIP TO FIND FUGITIVES

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. MACK. Madam Speaker, I rise today to applaud a new Public Safety Partnership launched in my home state of Florida during this holiday season. This unique effort, entitled ''12 Days of Fugitives,'' is an innovative public outreach plan with the end goal of helping the state and local law enforcement apprehend 12 of Florida's oldest and most violent prison escapees.

The Florida Department of Corrections and Florida Department of Law Enforcement are working with the U.S. Marshals Service, local law enforcement, and the media on this new initiative. Specifically, members of the Florida Outdoor Advertising Association are donating space on digital billboards to display a tip line telephone number together with pictures of the fugitives. In addition, Florida newspapers have committed to feature the fugitives online and in print.

The idea is to empower the public to come forward with information about the whereabouts of these escapees. The most recent escape occurred in 2000; others have been on the run for decades.

Florida has consistently been a pioneer in these types of public safety partnerships. From the beginning, the outdoor advertising industry was part of the AMBER Alert system in Florida. Now, the National Center for Missing & Exploited Children posts AMBER Alerts on digital billboards across the country.

Madam Speaker, protecting our society from violent crime is extremely important, and often overlooked during this holiday time. This intensive public outreach in the state gives hope to the families and friends of the victims of crime that the perpetrators will be caught and brought to justice. I commend the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Outdoor Advertising Association and the media for working together to make Florida a safer place to live, work, and visit.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows:

December 14, 2009, rollcall vote 969, on motion to suspend the rules and agree, as amended—H. Res. 779, Recognizing and supporting the goals and ideals of National Runaway Prevention Month—I would have voted aye.

Rollcall vote 970, on motion to suspend the rules and agree—H. Res. 942, Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup—I would have voted ''aye.''

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. PASCRELL. Madam Speaker, I want to state for the record that yesterday I missed the two rollcall votes of the day. Unfortunately, I missed these votes because I was detained in my district.

Had I been present I would have voted ''yea'' on rollcall vote No. 969 On Motion to Suspend the Rules and Agree, as Amended—H. Res. 779—Recognizing and supporting the goals and ideals of National Runaway Prevention Month.

Lastly, had I been present I would have voted ''yea'' on rollcall vote No. 970 On Motion to Suspend the Rules and Agree—H. Res. 942—Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. THOMPSON of California. Madam Speaker, on December 14, 2009, I was unavoidably unable to cast my votes for rollcall No. 969 and rollcall No. 970. Had I been present, I would have voted ''yea.''

ANDEAN TRADE PREFERENCE EXTENSION ACT OF 2009

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 10, 2009

Mr. STUPAK. Madam Speaker, I urge my colleagues to vote ''no'' on H.R. 4284, a bill that would increase our trade deficit, compromise our labor laws, and delay a much-needed reform to our nation's trade policy.

Since the last extension, in October 2008, Congress has still not adequately addressed the fundamental problems in relation to agriculture and labor practices in this trade preference agreement.

With the on-going debate surrounding the Colombia Free Trade Agreement and the South Korea Free Trade Agreement, and the sharp economic recession, it would be irresponsible to simply extend these preferences without thorough discussions on the effects of our trade policy on American jobs.

Originally passed in 1991, the Andean Trade Preference Act (ATPA) was designed to develop economic alternates to narcotics production in Bolivia, Colombia, Ecuador, and Peru.

However, ATPA has failed to reduce cocaine production and it has harmed American farmers.

As a result of the ATPA, the U.S. had a $7 billion trade deficit with the four ATPA countries in 2008.

Overall, the U.S. trade deficit has grown to more than $738 billion and trade policies have cost America 3.2 million manufacturing jobs over the past 10 years.

Because both the Bush and Obama administrations deemed that Bolivia failed to meet eligibility criteria, H.R. 4284 would extend trade preferences only with Columbia, Ecuador, and Peru.

Before extending the Andean Trade Preferences Act for a fourth time, Congress should take a closer look at damage it has done to American farmers and how it has failed to reduce illegal drug production in Bolivia, Colombia, Ecuador and Peru.

Among the great economic challenges our nation faces is creating new trade and globalization policies that serve America's workers, consumers, farmers, and firms.

The Obama administration and Congress have an opportunity to rewrite our trade policy and to create a trade framework that supports American jobs.

Let's seize this opportunity to create a new framework for trade agreements.

New trade agreements must meet basic standards to protect labor rights, environmental standards, food safety regulations, financial regulations, and taxation transparency.

Most importantly, new trade agreements must protect American workers first.

I urge you to vote against H.R. 4284 when it comes to the House floor today so that we can focus on reforming America's trade laws.

PERSONAL EXPLANATION

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. GRAYSON. Madam Speaker, on rollcall Nos. 969 and 970, I would have voted "yes." I was absent because I joined a congressional delegation inspecting military facilities in Iraq, which did not return until the following morning. Hence, had I been present, I would have voted "yea."

EXTENDING ANDEAN TRADE PREFERENCES

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. DREIER. Madam Speaker, I am a strong and long-time supporter of the Andean Trade Preferences Act, ATPA, and I support extending this vital program. Fostering economic development and the rule of law in the Andean region is essential to our national security, foreign policy and economic interests. H.R. 4284 extends ATPA benefits for Colombia, Peru, and Ecuador until December 31, 2010.

I believe there are two essential components to making ATPA work as effectively as possible. First, there must be continuity, so that American businesses and workers can get the greatest benefit. The U.S. jobs that are supported by engaging in the Andean region through ATPA require a sound investment environment, which in turn demands certainty that the program will be maintained. Taking action to extend ATPA for an additional year beyond December 31, 2009, is a positive step. However, demonstrating a stronger commitment to continuity by extending the program for at least 2 years would improve the program's effectiveness and provide greater opportunity for job creation here in the U.S.

Second, there must be accountability. While two of the three current participant countries—Colombia and Peru—have made enormous strides in implementing economic reforms, solidifying the rule of law and engaging as strong partners with the U.S., Ecuador has moved backwards in many regards. Most troubling has been the failure to strengthen the rule of law, as this is the bedrock upon which all economic and political reforms are built. While I believe that engagement through trade is the best way to encourage progress, we must take steps to ensure that there is accountability along the way. Unfortunately, H.R. 4284 removes measures currently in place to conduct a special review of Ecuador's progress. This action diminishes the incentives for Ecuador to play by the rules. It also sends the message to our partners that those who take steps backwards will get the same treatment as those who make enormous forward progress. This lack of accountability diminishes the effectiveness of both the carrot and the stick.

As we consider long-term proposals for our trade preferences programs, including ATPA, I believe that we must ensure there is both greater continuity and greater accountability. Continued failure to do so will only limit our ability to achieve the national security, foreign policy and economic objectives these programs are designed to achieve.

PERSONAL EXPLANATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. JORDAN of Ohio. Madam Speaker, due to weather-related flight cancellations that delayed my return to Washington until this morning, I was absent from the House Floor during Monday's two rollcall votes. Had I been present, I would have voted in favor of H. Res. 779 and H. Res. 942.

CALLING ON THE IRAQI GOVERNMENT TO KEEP ITS PROMISE AND UPHOLD ITS OBLIGATIONS UNDER INTERNATIONAL LAW

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to urge the Iraqi authorities not to forcibly remove Camp Ashraf residents from the home where they have lived for over twenty years. International human rights groups such as Amnesty International have warned that forcibly relocating the Camp Ashraf residents will put the Iranian opposition group "at risk of arbitrary arrest, torture or other forms of ill-treatment, and unlawful killing."

On July 29 of this year, I spoke out against the brutal attack that began on July 28 carried out by Iraqi security forces who were acting at the behest of the Iranian regime. The Iraqi security forces rolled over unarmed Camp Ashraf residents with tanks and beat them with sticks, killing at least nine residents and injuring many more. An injustice of this magnitude must not happen again.

If the Iraqi government forcibly moves these residents from their Camp Ashraf home, it will be breaking its promise to the United States and violating its obligations under international law. When these Iranian exiles voluntarily surrendered their weapons to U.S. forces in 2003, they did so in exchange for a promise that the U.S. would protect them. When the United States withdrew from the Camp Ashraf region, the United States and Iraq signed an agreement that the Iraqi government would continue to ensure their safety. Furthermore, Camp Ashraf residents are also shielded by international law because they are "protected persons" under Article 27 of the Fourth Geneva Convention.

This attempt to move the Camp Ashraf residents to a remote prison in the middle of the deserts appears to be an ugly attempt by the Iraqi government to appease the Iranian regime. Groups such as Amnesty International warn that it may even lead to their forcible return to Iran. If returned to Iran, these members of the Iranian opposition would face almost certain torture and even death.

Madam Speaker, I call on the Iraqi government to keep its promise to the United States and uphold its obligations under international law. Attempting to mollify the tyrannical, illegitimate Iranian regime at the expense of these pro-democracy activists would be a tragic mistake. I call on the Iraqi government to ensure the protection that these exiles were promised and to which they are entitled under international law.

HONORING SONOMA VALLEY CHAMBER OF COMMERCE OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague, Representative LYNN WOOLSEY, to honor the 100th anniversary of the Sonoma Valley Chamber of Commerce. The Chamber has long served as a spirited defender of the Valley's interests, by encouraging new industry, organizing beautification projects and managing flood control efforts.

The Chamber began the evening of April 10, 1909, when 32 businessmen convened over dinner to discuss how they could stimulate commerce for the benefit of local merchants and professionals.

Membership quickly grew to 100 and the Chamber began their first initiatives, like publishing marketing material and establishing committees to begin tackling an ambitious agenda. In the early years, the Chamber called for transportation improvements and successfully lobbied Congress to protect a local federal facility from closure.

During the Great Depression, the Sonoma Valley Chamber of Commerce was instrumental in addressing needs of a paralyzed business community. To generate renewed interest in the organization, the Chamber hosted an event benefiting street and driveway improvements.

In the subsequent years, the Chamber pioneered many efforts, including the creation of a commuter bus service to San Francisco, the endorsement of a municipal water system, support for State Parks and advocacy for underground utility and telephone lines. Notably, the Chamber raised local matching funds for a job stimulus program that was part of President Roosevelt's New Deal.

Following the attack on Pearl Harbor, the Chamber was designated as a farm labor office tasked with steering workers to local farmers. In the years following the war, the Chamber focused on supporting an adequate sewage system, the introduction of local hospital and the adoption of a zoning plan. By mid-century, the Chamber hosted an industrial conference, boldly escalating efforts to bring new industry to the Valley.

Today the Chamber has expanded its membership to more than 700 leaders who continue to help ensure a thriving economy through advocacy, promotion, networking, education and services.

Operating under the mantra that "Strong businesses make strong communities," the Chamber hosts events, publishes a business magazine and offers comprehensive business, community and visitor resources. The Chamber also leads recognition efforts, honoring the business of the year and green businesses.

Madam Speaker, it is appropriate at this time that we acknowledge the 100th anniversary of the Sonoma Valley Chamber of Commerce. In years to come, this organization will remain an integral and powerful force that continues to enrich the business community for the benefit of all Sonoma Valley residents.

IN MEMORY OF DONNA FREEMAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague, Representative MIKE THOMPSON, to honor the memory of Donna Cook Freeman of Bodega Bay in my district, an energetic community activist from whose petite frame exuded a feisty kind of determination combined with warmth and humor that earned friends, political power and a long list of accomplishments.

Donna came to Bodega Bay a half-century ago as a young, poor and pregnant fisherman's wife with two small children in tow. She left Bodega Bay and this earthly plane on October 30, 2009 after two weeks of farewell visits from at least 150 friends. She was 72.

Donna Cook Freeman became involved in local politics in the early '60s in one of the earliest environmental battles of the modern era, the fight over the planned construction of a nuclear power plant at Bodega Head. Donna and several other ''ordinary'' townspeople and their friends took on the giant utility, and ultimately won after they exposed the danger of building the plant directly on the San Andreas Fault.

Remaining active in coastal issues, she served on the California Coastal Commission's advisory board for the county's coastal plan. She campaigned for a local assessment to provide paramedics for the Bodega Bay Fire Protection District. Later she served three terms as a director of the Fire District. She was also a founder of the Bodega Bay Fishermen's Festival, and served as president and a director of the Bodega Bay Chamber of Commerce, and for a decade served on the board of the Sonoma County Fair. She successfully fought for new port facilities for commercial and recreational fishermen that became Spud Point Marina.

She also created a special place in a scrub filled ravine at the foot of Bodega Head. She filled it with cool ferns, waving trees, rippling ponds, narrow foot bridges and a gazebo she salvaged from the set of Alfred Hitchcock's Bodega Bay-based classic film, ''The Birds.'' This sheltered refuge she called ''Compass Rose Garden,'' named both for the center of a compass and her mother. She raised her family in a cottage in the garden, and turned its verdant grounds into a place for weddings, family events, community celebrations, and political fundraisers that both advertised and expanded her political influence.

She served on the Democratic State Central Committee, and her endorsement was gold to numerous political candidates courting west Sonoma County votes. She served a vital role in ushering in progressive politics to the county when she successfully managed the campaign of former Sonoma County Supervisor Ernie Carpenter.

Last month she was diagnosed with advanced liver cancer and as her life ebbed away she made plans for a final celebration at Compass Rose Garden. It was not to be. Yet she leaves a legacy of progress, a legion of friends, and a loving family that includes her husband, Clarence Freeman, her two daughters Melinda McLees and Melissa Freeman; three sons, Scott Freeman, Kevin Freeman, and Steve Freeman; and their families, which include seven grandchildren; as well as her brother James Cook and a sister Dorothy Cook Hewett, and their families.

Madam Speaker, Donna Cook Freeman brought creativity, vibrancy and determination to every endeavor she took on. She led by her powers of persuasion and her personal magnetism. She was born in the Depression but was guided through her life by her joyous sense of possibility. When the boats are blessed at the next Bodega Bay Fishermen's Festival, we will think of her, and recall a spirit that could rise above the waves.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. LANGEVIN. Madam Speaker, on December 14, 2009, I was unable to be in the chamber for two Rollcall votes. Had I been present, I would have voted ''yea'' on rollcall No. 969, H. Res. 776, a resolution recognizing and supporting the goals of National Runaway Prevention Month and ''yea'' on rollcall No. 970, H. Res. 942, a resolution commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on December 14, 2009. Had I voted, I would have voted ''yes'' on rollcall No. 969 and ''yes'' on rollcall No. 970.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. ESHOO. Madam Speaker, I was not present during rollcall votes 969 and 970 and voice votes on December 14, 2009 due to a pre-existing medical appointment. I would have voted: On rollcall vote No. 969 I would have voted ''yea''; On rollcall vote No. 970 I would have voted ''yea''; voice vote on S. 303 I would have voted ''yea''; voice vote on H.R. 4284 I would have voted ''yea.''

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor on Monday, December 14, 2009.

Had I been present I would have voted ''aye'' on rollcall vote No. 969 (on motion to suspend the rules and agree to H. Res. 779), ''aye'' on rollcall vote No. 970 (on motion to suspend the rules and agree to H. Res. 942).

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. BECERRA. Madam Speaker, on Thursday, December 10, 2009, I missed rollcall No. 950. If present, I would have voted ''yea.''

HONORING THE LIFE AND WORK OF MR. ARNOLD MINICUCCI

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. MURPHY of Connecticut. Madam Speaker, I rise today to honor the life and work of Mr. Arnold Minicucci of Watertown, Connecticut.

For the last 59 years, Arnold Minicucci has been the proud owner and manager of Minicucci's Incorporated, a menswear clothier and downtown mainstay in Waterbury, Connecticut. This coming January, he will retire and close the store he took over from his father more than a half-century ago, ending one of Waterbury's most beloved and long-tenured businesses.

After returning from service during World War I, Arnold's father founded Minicucci's in Waterbury in 1919 as a maker of custom men's suits. Upon his return from service in the Navy during World War II, Arnold joined his father's business in 1946 and became full owner of the store four years later, transitioning the establishment into a retail suit seller. Soon thereafter, Arnold moved the store from East Main Street to its present location at 52 Bank Street. Throughout its history, Minicucci's has served mayors and governors alike, with loyal customers whose relationship with the store can be measured in decades.

Anyone who's spent any time living or working in Waterbury knows Arnold and his beloved wife, Mary, both of whom were born and married in the Brass City. They are true pillars of the community: former chairs of the Cancer Ball, long-serving members of the Immaculate Conception Church and the Exchange Club, and a driving force behind the construction of the Little League Stadium, to name but a few of their strong ties to Waterbury.

Every one of Arnold's hundreds of friends and loyal customers who attend his retirement

party early next year will receive a silver money clip engraved with the words "Minicucci's 1919–2009." That night, all those that have been touched by Arnold's work will celebrate him and his family's business. But, amidst the celebration, there will also be a palpable pang of sorrow—that they don't make businesses like Minicucci's anymore. Or men like Arnold Minicucci.

HONORING MILLIE KLAPEL OF ANDOVER, MINNESOTA, ON HER 100TH BIRTHDAY

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Millie Klapel of Andover, Minnesota, on the occasion of her upcoming 100th birthday this December 20, 2009. As friends and family gather to celebrate her life, I am pleased to share her accomplishments with this Congress today.

Millie has lived the American dream. She worked for one of Minnesota's favorite department stores, Dayton's, in the monogram department. In her free time Millie volunteered at her church and taught Sunday school class for over 60 years. She also visited shut-ins and served as a prayer warrior for those in need of support during difficult times. In her 90's, she was honored as runner up for Sunday School Teacher of the Year from the Assemblies of God churches.

Millie is an inspiration to her family, friends and community and has always put others first. Even at 100 years old, she still lives on her own and maintains her independence.

Madam Speaker, again, I'd like to wish Millie Klapel a happy 100th birthday and I ask this Congress to join with me in celebrating Millie's life.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $12,071,280,871,918.40.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $1,432,855,125,624.6 so far this year.

According to the non-partisan Congressional Budget Office, the forecast deficit for this year is $1.6 trillion. That means that so far this year, we borrowed and spent $4.4 billion a day more than we have collected, passing that debt and its interest payments to our children and all future Americans.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. STUPAK. Madam Chair, years of abuse on Wall Street, manipulation of our financial markets and expansion of regulatory loopholes have harmed American consumers and businesses, leading to the global financial disaster last fall. As the U.S. House of Representatives sought to craft aggressive financial regulatory reforms, I worked with the relevant Committee Chairmen and Democratic leadership to end the abuses that have allowed Wall Street to profit at the expense of American consumers for far too long.

Unfortunately, H.R. 4173, the Wall Street Reform and Consumer Protection Act of 2009, falls short of ending the practice of Wall Street speculators, big banks and the nation's largest financial houses (Goldman Sachs, J.P. Morgan, Morgan Stanley, Bank of America and Citigroup) operating outside the watchful eye of federal regulators. Because this bill does not put an end to many of these abuses, I must oppose H.R. 4173.

As chairman of the Energy and Commerce Subcommittee on Oversight and Investigations, I have led a three-year-long investigation into the role speculators play in driving up the cost of energy. What we have learned from our investigation can be applied across the energy, commodity, and financial markets: As long as loopholes exist, speculators will manipulate markets and consumers will pay the price.

I fought for and made part of the American Clean Energy and Security Act regulatory reform for the energy and carbon markets. The provisions found in the Prevent Unfair Manipulation of Prices, PUMP, Act of 2009 should have served as a starting point for further reform of the unregulated over-the-counter derivatives markets known as "dark markets." Unfortunately, this legislative precedent and my amendments were ignored in favor of big money interests on Wall Street. But those of us who have spent time working on this issue know true regulatory reform cannot occur without bringing transparency to all markets and subjecting all financial transactions to federal oversight.

Therefore, I offered two amendments to H.R. 4173 to close loopholes and bring strong reform to the unregulated "dark markets." The first amendment required all trades to occur on an open marketplace, effectively bringing an end to "dark markets" so regulators could see the transactions. This most fundamental reform would have brought sunshine to the largest unregulated financial sector of our economy. For example, trades on the regulated markets totaled $80 trillion in 2008 while trades on the unregulated "dark markets" accounted for $600 trillion, or 41 times the size of the entire U.S. economy. Regulators could not view the transactions, the contracts or the financial terms of these trades.

As Commodity Futures Trading Commission, CFTC, Chairman Gary Gensler noted in a letter supporting my amendment, "As a nation, we do not stand for this lack of transparency in other markets." Staunch opposition from Wall Street led to the amendment's defeat, despite Gensler's assertion that: "your (Stupak) amendment promotes the critical goal of promoting transparency without imposing any additional cost on business." Without providing our regulators the most basic tools they say they need to effectively monitor the markets, we cannot call H.R. 4173 a true reform bill.

My second amendment narrowed a loophole that banks and large financial houses use to avoid regulation, prohibited credit default swap contracts that threaten the stability of the financial markets, and prohibited illegal swap contracts from being considered valid in a court. A comprehensive financial regulatory reform bill has to close the loopholes that allow speculators to control the markets. In defeating my second amendment, speculators will be allowed to continue their abusive practices.

Defeating my second amendment was not Wall Street's only success in ensuring loopholes remain in place. Banks, large financial firms and speculators were able to push through an amendment authored by Congressman SCOTT MURPHY that widened the loophole banks can use to evade regulation.

Financial Services Committee Chairman BARNEY FRANK offered an amendment to ensure everyone trading in the markets has some "skin in the game" by requiring collateral be posted up front. The amendment was opposed by Wall Street and it ultimately failed.

Many parts of H.R. 4173 accomplish important financial reform, and I support efforts to protect consumers from predatory financial products and end taxpayer funded bailouts. The amendment process on the House floor offered the opportunity to strengthen the bill in a way that delivers true reform across all of our financial markets. Unfortunately, Wall Street succeeded in using this opportunity to weaken the bill and significantly dilute the impact the legislation would have on their practices.

If regulators cannot shine a light on "dark markets" and loopholes can be exploited by Wall Street, we are just a few years away from another economic crisis. Leaving "dark markets" unregulated, unchecked and unfazed allows speculators to dictate prices for goods ranging from gasoline to bread to life insurance, and leaves consumers vulnerable to these financial abuses.

Today "dark markets" operate like a casino, with a commercial business betting that the price of a product will move in one direction and a Wall Street bank betting against that price change. The only difference is that we actually regulate casinos. On Wall Street neither the company nor the

bank are subject to regulation. Only the largest Wall Street banks know the price or volume of these trades, leaving federal regulators and consumers in the dark. H.R. 4173 does nothing to change this.

Leaving these markets to police themselves has resulted in the Federal Deposit Insurance Corporation, FDIC, taking over 133 banks so far this year, a record. When these markets implode, credit across the financial system freezes. Small businesses and farmers can't secure loans. Community banks, credit unions and businesses are threatened with insolvency, and ultimately employees and taxpayers are left out in the cold. H.R. 4173 attempts to bring regulation to these markets, but leaves loopholes and creates new ones that far outweigh any positive reforms in the bill.

I want to thank Congressman CHRIS VAN HOLLEN, Congresswoman ROSA DELAURO and Congressman JOHN LARSON for their strong support in working with me to try to strengthen this bill and bring true reform to Wall Street.

As H.R. 4173 moves through the legislative process, I will work with Senators MARIA CANTWELL, BERNIE SANDERS, BYRON DORGAN and others who have a shared interest in closing loopholes that remain a threat to our economy. It is imperative that the bill be strengthened in the U.S. Senate to rein in speculators and end the abusive practices of Wall Street's largest financial houses. I hope the Senate can accomplish these goals in the form of a final bill I can support.

I did not vote for the Wall Street bailout last year. Once again, I stood up to Wall Street's reckless financial transactions. Now, we need more members of Congress to stand with me for effective regulatory reform. For I believe, in this one instance where doing too little is a far greater threat than doing too much.

TREATISE ENTITLED ''SHINING CITY ON A HILL''

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. DUNCAN. Madam Speaker, one of my constituents, E.M. Massey, is a dedicated Christian who is very concerned about the moral decline of this Nation.

As the late Sen. Daniel Patrick Moynihan said, we have been "defining deviancy down, accepting as a part of life what we once found repugnant."

I want to call the attention of my Colleagues and other readers of the RECORD portions of a Treatise entitled "Shining City on a Hill," submitted by Mr. Massey.

A SHINING CITY ON A HILL

Introduction: In 1630, John Winthrop, governor of the Massachusetts Bay Colony, wrote a sermon while on the Arbella, on his way to the new world. ''For we must consider that we shall be as a city upon a hill. The eyes of all people are upon us. So that if we shall deal falsely with our God in this work we have undertaken, and so cause him to withdraw his present help from us, we shall be made a story and a byword throughout the world.'' (This was one of President Reagan's favorite quotes.)

Truly, the founding of America was in so many ways, the work of God. Yet as we look at the America of today, we see a vastly different picture.

On April 6, 2009, President Obama, speaking in the country of Turkey said: ''America is not a Christian nation, or a Jewish nation, or a Muslim nation. We are a nation of citizens who are bound by ideals and sets of values.''

Over the past 40 years, the idea of a ''Christian America'' has been disparaged by many. Christians have been criticized and vilified for their involvement in the political arena. The Revisionist's interpretation of the First Amendment has been at the forefront in this debate. Michael Medved in his book, The 10 Big Lies About America, points this out.

Following the 2004 reelection of George W. Bush, a frenzied flurry of books and articles warned unsuspecting Americans of the imminent takeover of their cherished Republic by an all-powerful, implacable theocratic conspiracy.

In American Fascists: The Christian Right and the War on America, former New York Times correspondent Chris Hedges breathlessly reported:

''All it will take is one more national crisis on the order of September 11 for the Christian Right to make a concerted drive to destroy American democracy. . . . This movement will not stop until we are ruled by Biblical Law, an authoritarian church intrudes in every aspect of our life, women stay at home and rear children, gays agree to be cured, abortion is considered murder, the press and the schools promote 'positive' Christian values, the federal government is gutted, war becomes our primary form of communication with the rest of the world and recalcitrant non-believers see their flesh eviscerated at the sound of the Messiah's voice.''

According to Hedges (a recent—and surprisingly genial—guest on my radio show), it makes no sense to try to reason with the ''Christian Fascists'' he fears. ''All debates with the Christian Right are useless,'' he writes, because they ''hate the liberal, enlightened world formed by the Constitution.''

Scores of other releases from major publishers sought to arouse the nation's slumbering conscience to confront the perils of ''the American Taliban.'' These titles include the blockbuster best seller American Theocracy plus additional cheery volumes such as Jesus Is Not a Republican: The Religious Right's War on America; The Baptizing of America: The Religious Right's Plans for the Rest of Us; Why the Christian Right is Wrong; Liars for Jesus; The Theocons: Secular America Under Siege; The Hijacking of Jesus; and many, many more.

Some worried observers expected Christian conservatives to remake America along the lines of Iran or Nazi Germany, while others suggested that they would follow the genocidal path of Communist China. In reviewing the Oscar-nominated documentary Jesus Camp, Stephen Holden of the New York Times solemnly declared: ''It wasn't so long ago that another puritanical youth army, Mao Zedong's Red Guards, turned the world's most populous country inside out. Nowadays, the possibility of a right-wing Christian American version of what happened in China no longer seems entirely far fetched.''

So, we are faced with a question: Was America founded on Christian principles and were we ever a Christian nation?

March 23, 1775, Patrick Henry spoke in the Virginia House of Burgesses ''There is no longer room for hope. If we wish to be free, we must fight! An appeal to arms and to the God of Hosts is all that is left us! They tell me that we are weak, but shall we gather strength by irresolution? We are not weak. Three million people, armed in the holy cause of liberty and in such a country, are invincible by any force which our enemy can send against us. We shall not fight alone. God presides over the destinies of nations, and will raise up friends for us. The battle is not to the strong alone; it is to the vigilant, the active, the brave, * * * Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death.''

On July 4, 1776, The Declaration of Independence was unanimously adopted * * * Samuel Adams rose * * * ''We have this day restored the Sovereign, to whom alone men ought to be obedient. He reigns in Heaven and * * * from the rising to the setting sun, may His Kingdom come * * *''

''We hold these truths to be self-evident, that all men are created equal, and are endowed by their creator with certain unalienable rights, that among them are life, liberty and the pursuit of happiness * * * The Declaration contained a solemn appeal ''to the supreme judge of the world'' and concludes with * * * ''A firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.''

Of the 56 signers, 54 were identified as Christians * * *.

Benjamin Franklin once said: ''I have lived, Sir a long time, and the longer I live, the more convincing proofs I see of this truth: that God governs in the affairs of man. And if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?

''We have been assured, Sir, in the Sacred Writings that except the Lord build the house, they labor in vain that build it. I firmly believe this. I also believe that, without His concerning aid, we shall succeed in this political building no better than the builders of Babel; we shall be divided by our little, partial local interests; our projects will be confounded; and we ourselves shall become a reproach and a byword down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing government by human wisdom and leave it to chance, war or conquest.''

Joseph Story, a Supreme Court Justice from 1811 to 1845 (appointed by James Madison, the father of the Constitution) and, as a long-time Harvard professor, was the leading early commentator to the Constitution. He observed: ''The general if not universal sentiment in America was that Christianity ought to receive encouragement from the State so far was not incompatible with the private rights of conscience and freedom of religious worship. An attempt to level all religion and to make it a matter of state policy to hold all in utter indifference would have created universal disapprobation, if not universal indignation. The real object of the First Amendment * * * was to exclude all rivalry among Christian sects, and to prevent any national ecclesiastical establishment which should give a hierarchy the exclusive patronage of the national government.''

CELEBRATING 25 YEARS OF EXCELLENCE IN THE STORIED HISTORY OF THE TRI-CITY RECORD

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. UPTON. Madam Speaker, I rise today to pay tribute to a cornerstone of our community, the Tri-City Record, which is currently celebrating its 25th year with Anne and Karl Bayer at the helm. Since its founding as the Weekly Record in 1882, the Tri-City Record has been a lifeline for southwest Michigan, reliably keeping folks informed on significant news and community events.

What began as the Weekly Record became the Watervliet Record in 1884. Through the years, with only a handful of owners, the newspaper grew to report not only on news in the city of Watervliet, but also the surrounding communities of Coloma and Hartford. A century after the first name change, the newspaper was purchased by Anne and Karl Bayer in 1984, and soon became the Tri-City Record.

Under the Bayer family's stewardship, countless residents have come to rely upon the Tri-City Record to stay connected with the community and keep up on current events. I commend the Tri-City Record's rich tradition of excellence and proud history of reporting to Coloma, Hartford, Watervliet and across the State of Michigan.

As the newspaper industry across the Nation has been strained during the digital age, the Tri-City Record continues to be a jewel in our corner of southwest Michigan. I salute Anne and Karl Bayer and the entire staff on reaching this milestone and wish them continued success for many years to come.

Twenty-five years later and still going strong, the Bayers represent a most important chapter in the storied history of the Tri-City Record.

THANKING JOHN BRANDT FOR 40 YEARS OF SERVICE

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. SMITH of Nebraska. Madam Speaker, I rise to honor a broadcasting icon in western Nebraska, John Brandt. Yesterday, Ogallala joined together to thank John for his 40 years of broadcasting service to the area.

A 1963 graduate of Superior High School in Superior, Nebraska, John has been a fixture on the airwaves for listeners in my district since December of 1969.

Never one to shy away from the hard-hitting questions, John earned his reputation as being a tough but fair interviewer, whose only motivation was to provide his listeners with the most up-to-date information available.

He has given back to the Ogallala community in so many ways and I fully expect this service to continue. I wish him well as he continues to serve the community and our State as a whole.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2996—Interior and Environment Appropriations Act, 2010:

1. Project Name—Wallkill River National Wildlife Refuge Land Acquisition Project

Requesting Member—SCOTT GARRETT

Bill Number—H.R. 2996, Interior and Environment Appropriations Act, 2010

Account—U.S. Fish and Wildlife Service, Land Acquisition

Requesting Entity—U.S. Fish and Wildlife Service/Wallkill River National Wildlife Refuse, 1547 County Route 565, Sussex, NJ 07461

Description of the Project—This funding from the Land and Water Conservation Fund will further consolidate refuge ownership and important habitat, increase recreational opportunities within the refuge, and maintain the water quality in the Highlands region of New Jersey. The national wildlife refuge system was created to ensure protection of ecologically sensitive wildlife species and the Wallkill River NWR was added to the system because of the importance of the biodiversity along the river. Adding these 237 acres to the refuge would also meet the criteria of the Land and Water Conservation Fund by providing additional opportunities for public recreation, outdoor education and research, and by protecting open space and habitat for wildlife, including endangered and threatened species, in our rapidly developing state.

Description of the Spending Plan—($1,400,000)

The $1.4 million from the Land and Water Conservation Fund in FY 2010 will further consolidate refuge ownership and important habitat, increase recreational opportunities within the refuge, and maintain the water quality in the Highlands region of New Jersey. The national wildlife refuge system was created to ensure protection of ecologically sensitive wildlife species and the Wallkill River NWR was added to the system because of the importance of the biodiversity along the river. Adding these acres to the refuge would also meet the criteria of the Land and Water Conservation Fund by providing additional opportunities for public recreation, outdoor education and research, and by protecting open space and habitat for wildlife, including endangered and threatened species, in our rapidly developing state.

Total—$1,400,0000

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. NEUGEBAUER. Madam Speaker, I was absent from votes on December 14, 2009 due to a medical appointment. Had I been present, I would have voted "yea" on rollcall 969 and "yea" on rollcall 970.

JASON FABINI'S SERVICE IN THE NFL

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. SOUDER. Madam Speaker, today on the floor of the House of Representatives I would like to recognize the amazing accomplishments of Jason Fabini of Indiana. As an eleven year veteran of the National Football League Jason was a member of three teams, playing under five coaches. Mr. Fabini began his football career in Fort Wayne, Indiana at Bishop Dwenger High School. A standout high-school athlete, Mr. Fabini was recruited to play football at the University of Cincinnati.

As a Cincinnati Bearcat Fabini truly developed his skills, and prepared for a lengthy career in the National Football League. While at Cincinnati, Fabini was a three-time All-Conference USA selection. As a sophomore, Fabini started every game and was named to the third-team All National Independent list. His growth continued when, in his junior year, he received Cincinnati's top award for an offensive lineman—the John Pease Award. In the 1997 season Fabini helped lead the Bearcats to their first bowl-game victory in 47 years.

In the 1998 NFL Draft, the New York Jets selected Jason Fabini as their fourth round pick. As a rookie for the Jets, Fabini started all sixteen games. In his second season with New York, Jason suffered a setback when he tore his ACL in a game against the New England Patriots. While Fabini was forced to miss the last seven games of his second season in the NFL due to his knee injury, he persevered and returned to the field ready to play the following season. In 2000, when Jason Fabini returned to the Jets' starting offensive line, he led the offensive to a tie with the Indianapolis Colts for fewest sacks allowed, 20. In recognition of Fabini's return to play after his injury, the New York Jets awarded him the Ed Block Courage Award in 2000. While with the New York Jets Fabini paved the way for Curtis Martin, RB, to rush over 1,000 yards in seven consecutive seasons, 1998–2004, and in 2004 helped Martin set a club record for most yards rushed in a single season, 1,697 yards. In 2004, Fabini started his 100th career game against the Arizona Cardinals.

In 2006 Fabini went to play for the Dallas Cowboys. During his year with the Cowboys, Fabini played fifteen games for Dallas.

In 2007 Jason Fabini signed with the Washington Redskins, a Dallas rival. As a Redskin, Fabini played in all sixteen games, starting in 13 of them. His versatility as a lineman was truly an asset for Washington and helped Clinton Portis, RB, rush for over 1,200 yards. In 2007, in a game against his old team, the New York Jets, Fabini lead the offensive line to block for 296 yards, the third-highest single-game rushing total in Washington Redskins' history.

In February of 2009 Fabini was inducted into the University of Cincinnati Athletics Hall of Fame.

Jason Fabini has had a long, successful football career. He played in over 152 games, starting over 129 of those games. Throughout his career, Fabini started in eight postseason

contests. Although still young, Fabini has decided to retire from playing professional football so that he can focus on his family and a promising future. Jason Fabini has four sons: Hunter, Jacob, John Michael, and Jordan and is the son of Tom Fabini and Madeline Lombardo of Fort Wayne, Indiana.

PROCLAMATION ISSUED TO MS. MARY ANNE SHARP

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I would like to submit this proclamation which I issued to Ms. Mary Anne Sharp.

Whereas, Forty-five years ago a virtuous woman of God accepted her calling to serve as Director of the Decatur Civic Chorus in Decatur, Georgia; and

Whereas, Ms. Mary Anne Sharp began her educational career in Decatur, Georgia, attending Decatur public schools, Oglethorpe University and Emory University; and

Whereas, this phenomenal woman has shared her time and talents with the citizens of DeKalb County, Georgia and the world through directing and producing concerts that continue to touch the lives of many; and

Whereas, Ms. Sharp is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Mary Anne Sharp on her 45th Anniversary as Director of the Decatur Civic Chorus and to congratulate her on this milestone;

Now therefore, I, Henry C. ''Hank'' Johnson, Jr. do hereby proclaim December 13, 2009 as Ms. Mary Anne Sharp Day in the 4th Congressional District.

Proclaimed, this 13th day of December, 2009.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. SMITH of Washington. Madam Speaker, on Monday, December 14, 2009, I was unable to be present for recorded votes. Had I been present, I would have voted ''yes'' on rollcall vote No. 969 (on the motion to suspend the rules and agree to H. Res. 779, as amended) and ''yes'' on rollcall vote No. 970 (on the motion to suspend the rules and agree to H. Res. 942, as amended).

MS. MARIAN WILSON-SYLVESTRE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. LEE of California. Madam Speaker, I rise today to honor the extraordinary accomplishments of Ms. Marian Wilson-Sylvestre, who has dutifully served the American Red Cross, Bay Area Chapter and touched the lives of those in need for nearly 30 years. Her work has affected countless people beset by fires, floods and other disasters, and has ensured that volunteers and communities throughout the 9th Congressional District are ready and resilient in the face of adversity.

Ms. Wilson-Sylvestre has been involved in community-building, volunteerism, education and healing for the length of her career. After attending Columbia University in New York City, Ms. Wilson-Sylvestre received a Master of Social Work at New York's Adelphi University.

Her career in alleviating affliction and pain for others began at the Payne Whitney Psychiatric Clinic at New York Hospital, where she observed and aided patients as a Psychiatric Assistant. Next, her skills in social work and teaching brought her to the Cardinal McCloskey Home and School for Children where she worked with foster children.

In 1978, after arriving in the Bay Area, Ms. Wilson-Sylvestre served Bayview Hunter's Point Mental Health Clinic as a child and family therapist, and also began teaching at San Francisco Community College. Her career with the Bay Area Chapter of the American Red Cross began when she became Director of Project New Pride in 1980. For the next 29 years, she worked her way up through the ranks of the American Red Cross, both fulfilling and exceeding her duties as Case Work Supervisor, Regional Manager, County Executive, and, for the last 14 years, Senior Executive Officer.

Marian has truly utilized leadership, skill, dedication and a penchant for compassion in her life's work, and I am certain she will continue to do so in her future endeavors. As member of many quality organizations, including the National Association of Social Workers, Rotary Club of Oakland, the California Personnel and Guidance Association, the East Bay Women's Political Action Committee, and the boards of City of Oakland Emergency Management, Travelers Aid Society and Allen Temple Baptist Church Health Ministry, Ms. Wilson-Sylvestre has served the community in innumerable ways.

Her work has been celebrated throughout the 9th Congressional District, and beyond, including an award from the National Institute of Mental Health, the Tiffany Award for Management Excellence, a 2002 Congressional Recognition Award, the 1990 National HIV/AIDS Cultural Diversity Award, being named the 2002 Honoree for Black Women Organized for Political Action, and the Oakland Unified School District's recurring honor of Principal for a Day.

On behalf of California's 9th Congressional District, I salute you, Marian Wilson-Sylvestre, for a successful career of service and your unwavering commitment to others. I extend my heartfelt congratulations on your retirement, and I wish you the very best.

HONORING THE CONNECTICUT COUNCIL OF SMALL TOWNS

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor the Connecticut Council of Small Towns (COST) for celebrating its 35th anniversary. Several Connecticut town leaders founded COST in 1975 to provide a strong voice for the state's smaller municipalities in both our State's and the Nation's capital.

COST is a grassroots advocacy organization comprised of nearly 120 member municipalities. The organization offers valuable information and training resources to help municipal leaders meet the challenges they face as chief executives of Connecticut's smaller nonmetro and suburban areas. It is the only organization dedicated solely to the interests of Connecticut's small suburban and rural municipalities.

Through meetings, conferences, and events, COST brings together the leaders of small towns with legislators to foster discussion about issues that are most important to Connecticut's small communities. The organization provides information to towns regarding public policy and pending legislation, and how they will affect small towns and their citizens.

COST members benefit from connecting with other municipal leaders across the State, sharing ideas, and discussing the similar challenges that they face. Participating municipalities save money by working collectively to advocate for State and Federal aid to towns in Connecticut.

I ask all of my colleagues to join with me in honoring the Connecticut Council of Small Towns in celebrating its anniversary. Many of COST's member towns reside within my district in eastern Connecticut and highly regard the organization for providing a voice for them in all levels of government. We thank COST for its service and look forward to working with the organization in the future to help Connecticut's communities succeed.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night and earlier today I was unable to cast my votes on H. Res. 779, H. Res. 942, H. Res. 894, H.R. 1517, and H.R. 3978 and wish the record to reflect my intentions had I been able to vote.

Last night, I met with constituents of mine in a town hall forum at the Prairie Winds Retirement Center in Urbana, Illinois and I was unable to arrive in Washington, DC to cast my votes.

Had I been present on rollcall No. 969 on suspending the rules and passing H. Res. 779, Recognizing and supporting the goals and ideals of National Runaway Prevention Month, I would have voted ''aye.''

Had I been present on rollcall No. 970 on suspending the rules and passing H. Res. 942, Commending the Real Salt Lake soccer club for winning the 2009 Major League Soccer Cup, I would have voted ''aye.''

Had I been present on rollcall No. 971 on suspending the rules and passing H. Res. 894, Honoring the 50th anniversary of the recording of the album ''Kind of Blue'' and reaffirming jazz as a national treasure, I would have voted ''aye.'' One of my constituents, Lamont Parsons of Urbana, Illinois, is a regionally famous jazz guitarist who has inspired in

me and many of my constituents a lifelong appreciation for jazz and its influences and it truly is a national treasure.

Had I been present on rollcall No. 972 on suspending the rules and passing H.R. 1517, To allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, I would have voted "aye."

Had I been present on rollcall No. 973 on suspending the rules and passing H.R. 3978, First Responders Anti-Terrorism, Training Resources Act, I would have voted "aye."

GALLAGHER-HANSEN VFW POST'S 90TH ANNIVERSARY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. McCOLLUM. Madam Speaker, today I rise to congratulate the Gallagher-Hansen Veterans of Foreign Wars Post No. 295, Department of Minnesota, on the occasion of the Post's 90th Anniversary. Since its original charter in 1919, the Gallagher-Hansen VFW Post has been dedicated to serving veterans and the entire community of South Saint Paul, Minnesota.

Founded as the Patrick Gallagher Post in honor of a local World War I veteran, the post was renamed to honor Lt. Harry C. Hansen, a post member, who lost his life during the Battle of Okinawa in World War II.

All veterans have served and sacrificed on behalf of our great Nation, but many veterans continue their noble service after their tours of duty have been completed. The members of the Gallagher-Hansen VFW Post are among these selfless servants.

Throughout its proud history, the Gallagher-Hansen Post and Auxiliary have earned distinction as exceptional Veterans Service Organizations. Beyond its strong support for veterans, the post is also a community cornerstone. From providing donations to the Dakota County Veterans Emergency Assistance Fund and the South St. Paul Police K–9 unit, to sponsoring an annual Children's Safety Camp and funding a new scoreboard at Wakota Arena, Gallagher-Hansen provides steadfast support to residents in the area.

Gallagher-Hansen's reputation for outstanding public service extends deep into its ranks. Post 295 has been the home VFW post to many state and national leaders, including former Minnesota Governors Karl Rolvaag, Harold Stassen and Orville Freeman. Other members include: past National Ladies VFW Auxiliary President Lola Reid, whose late husband Dr. James Reid served as past Surgeon General of the VFW; past National VFW Chaplain Father Harold E. Whittel; Robert Hansen, past Commander-in-Chief of the Veterans of Foreign Wars of the United States and the brother of Lt. Harry C. Hansen; and the late U.S. Navy Admiral John S. McCain, father of U.S. Senator John McCain of Arizona.

Madam Speaker, please join me in rising to honor the 90th Anniversary of the Gallagher-Hansen VFW Post No. 295, and the veterans who have given so much in support of their fellow veterans, families and our community.

RECOGNIZING THE HEROIC GENEROSITY OF CLARA WARD OF ERIE, PENNSYLVANIA

HON. KATHLEEN A. DAHLKEMPER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mrs. DAHLKEMPER. Madam Speaker, I rise today to honor an extraordinary woman in Erie, Pennsylvania, who has dedicated her life to helping the children of her community. Clara Ward, the founder of the Youth Development and Family Center in Erie, was the star of "Extreme Makeover: Home Edition," this week, where her indomitable spirit and dedication to the well-being of children in need was rewarded with an amazing renovation to her more than eighty year old home.

Clara Ward, with her son Bennie and daughter Cynthia, has continually put aside her own needs to take care of the children in her community. Too often, the children in Clara's neighborhood lack the care and resources they need to succeed, to be healthy and safe. These children rely on the generosity of their "Aunt Clara" to have a safe haven after school, where they can play off the streets and out of harm's way.

Many of the children who come to the Youth Development and Family Center would go to bed hungry without the generosity of Clara, Bennie and Cynthia, who feed and welcome children into their home almost every day. Not only does Clara provide a safe space, but she offers these children clothes, blankets and toys that they might not otherwise have. This time every year, Clara gives toys to 300 children for the holidays.

Clara's boundless generosity is all the more remarkable given her own condition. Clara suffers from myasthenia gravis, a degenerative muscular disease that requires her to use a wheelchair. In her old home, Clara's mobility was severely limited and she struggled to move through rooms and hallways that had no space for her wheelchair. Now, thanks to the renovation, Clara can move with ease through a home designed with her needs in mind.

Clara Ward's selflessness has inspired the entire community of Erie. It was her good work that motivated local builder John Maleno and his family to nominate Clara for "Extreme Makeover," which drew 3,000 volunteers and donations from 200 companies. Clara's story has inspired our city and helped us show the world that Erie, Pennsylvania, is a place where neighbors look out for each other and the spirit of generosity runs deep.

Madam Speaker, it is my proud duty to enter the name of Clara Ward in the record of the United States House of Representatives as a hero of Erie, Pennsylvania.

TIME IS RUNNING OUT IN SUDAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. WOLF. Madam Speaker earlier today a news conference was held with Congressmen DONALD PAYNE, CHRIS SMITH and myself along with representatives from the U.S. Commission on International Religious Freedom (USCIRF), to draw attention to the desperate situation in Sudan. We heard compelling firsthand accounts of what transpired in Khartoum last week. Arrests, detention, tear gas and beatings of peaceful Sudanese protestors including several high-ranking Sudan People's Liberation Movement (SPLM) officials. These protestors had gathered in the streets to press Sudan's President Bashir and his National Congress Party (NCP) to demand passage of important laws by the National Assembly.

Khartoum's actions are inexcusable, but why should we be surprised, given the head of state is an accused war criminal. We also know from widely reported information that the National Congress Party (NCP) is obstructing the establishment of conditions for free and fair elections. The world also still awaits reform of the national security law.

Against this backdrop of violence and intimidation by Khartoum, the NCP and the SPLM entered into intense negotiations over the weekend. While reports indicate that a tentative compromise has been reached, the outcome is still far from assured. And if the coming weeks don't yield the necessary results, the long-suffering people of Sudan will watch any real prospect of lasting peace and justice slip away. Will the U.S. stand by and allow this to happen?

For years the U.S. has been a leader on the world stage in advocating for the marginalized people of Sudan. This is an issue, unlike many in Washington, which has enjoyed broad, bipartisan support. In January 2005, after two and half years of negotiations, the North and the South signed the Comprehensive Peace Agreement (CPA) bringing about an end to the 21-year-old civil war during which nearly two million people died, most of whom were civilians. I was at the signing of the CPA in Kenya along with Congressman PAYNE. Hopes were high for a new Sudan.

Sadly those hopes are quickly dimming as President Bashir becomes further entrenched and principled U.S. leadership on Sudan wanes. On the eve of the five-year anniversary of the signing, the CPA hangs in the balance as does Sudan's future.

President Obama's special envoy to Sudan, General Scott Gration, was appointed in March of this year. Many in Congress, myself included, had pressed for a special envoy in the hope of elevating the issue of Sudan particularly at this critical juncture in the implementation of the CPA and with genocide in Darfur still ongoing.

While there have been times in the months following that I have been concerned by the direction that this administration appeared to be taking in Sudan, I refrained from any public criticism, not wanting to do anything that could jeopardize peace or progress on these critical issues. But I can be silent no longer.

The time has come for Secretary Clinton and President Obama to personally and actively engage on Sudan.

During the campaign, then candidate Obama said, "Washington must respond to the ongoing genocide and the ongoing failure to implement the CPA with consistency and strong consequences." He went on to say, "The Bush administration should be holding Sudan accountable for failing to implement significant aspects of the 2005 Comprehensive

Peace Agreement (CPA), imperiling the prospects for scheduled multiparty elections in 2009.''

I could not agree more. Accountability is imperative. The CPA is not up for re-negotiation. But the burden for action, the weight of leadership, now rests with this president and this president alone.

I have consistently received reports from people on the ground that this administration's posture toward Sudan has only emboldened Bashir and the NCP.

The December 12 Wall Street Journal editorial page put it this way, ''As a candidate, Mr. Obama stood with the human rights champions of Darfur and pledged tougher sanctions and a possible no-fly zone if a Sudanese regime infamous for genocide didn't shape up. His tone has changed in office . . . . the preference for diplomacy over pressure has encouraged the hard men in Khartoum to stoke the flames in Darfur, ignoring an arms embargo and challenging the U.N.-African Union peacekeeping force there.''

Khartoum is savvy in the ways of Washington. This softening in the U.S. posture has not gone unnoticed.

In recent written testimony before the House Foreign Affairs Subcommittee on Africa, the top UN investigator said, ''In contrast to that leadership of 2004 and 2005, the United States appears to have now joined the group of influential states who sit by quietly and do nothing to ensure that sanctions protect Darfurians.''

This administration's engagement with Sudan to date has failed to recognize the true nature of Bashir and the NCP.

Having been to Sudan five times, I've seen the work of their hands with my own eyes. In June 2004 I was part of the first congressional delegation with Senator SAM BROWNBACK to Darfur, soon after the world began hearing about the atrocities being committed against the people of that region. I witnessed the nightmare. I saw the scorched villages and overflowing camps. I heard the stories of murder, rape and displacement. In the summer of 2004, the Congress spoke with one voice in calling what was happening in Darfur genocide.

In addition to the massive human rights abuses perpetrated by the Sudanese government against its own people, it is also important to note that Sudan remains on the State Department's list of state sponsors of terrorism. It is well known that the same people currently in control in Khartoum gave safe haven to Osama bin Laden in the early 1990's. I was troubled by Special Envoy Gration's comments this summer at the Senate Foreign Relations Committee hearing that ''there is no evidence in our intelligence community that supports [Sudan] being on the state sponsors of terrorism list . . .'' despite the findings of the 2008 State Department Country Reports on Terrorism that ''. . . there have been open source reports that arms were purchased in Sudan's black market and allegedly smuggled northward to Hamas.''

Last week marked the anniversary of the adoption of the 1948 Genocide Convention. In the aftermath of the Nazi-perpetrated Holocaust the world pledged ''Never Again.'' But these words ring hollow for the woman in the camp in Darfur who has been brutally raped by government-backed janjaweed so that they might, in their own words, make lighter skinned babies. Were these horrors taking place in Europe would the world stand by and watch?

The U.S. Holocaust Memorial Museum, which sits just blocks from here, bears witness to genocide and related crimes against humanity around the world. The museum's warning for Sudan stems from ''(t)he Sudanese government's established capacity and willingness to commit genocide and related crimes against humanity. This is evidenced by actions the government has taken in the western region of Darfur, the Nuba Mountains, and the South that include:

Use of mass starvation and mass forcible displacement as a weapon of destruction;

Pattern of obstructing humanitarian aid;

Harassment of internally displaced persons;

Bombing of hospitals, clinics, schools, and other civilian sites;

Use of rape as a weapon against targeted groups;

Employing a divide-to-destroy strategy of pitting ethnic groups against each other, with enormous loss of civilian life;

Training and supporting ethnic militias who commit atrocities;

Destroying indigenous cultures;

Enslavement of women and children by government-support militias;

Impeding and failing to fully implement peace agreements.

These are hardly our partners in peace. And yet, we cannot claim that Khartoum has been unpredictable, that we did not know what they were capable of. Tragically, they have been utterly consistent for nearly 20 years. They have consistently brutalized their own people. They have consistently failed to live up to agreements. And they have consistently responded only to strength and pressure.

And so I say once again, time is running out. The urgency of the situation calls for intervention at the highest levels of the U.S. Government—specifically the Secretary of State and the President of the United States. The people of Sudan cry out for nothing less.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mrs. MALONEY. Madam Speaker, on December 14, 2009 I missed rollcall votes Nos. 969 and 970.

Had I been present, I would have voted ''yea'' on rollcall vote No. 969, recognizing and supporting the goals and ideals of National Runaway Prevention Month and, No. 970, commending the Real Salt Lake Soccer Club for winning the 2009 Major League Soccer Cup.

WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 9, 2009

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. CONYERS. Madam Chair, as the Chairman of the Judiciary Committee, I would like to highlight some of the contributions made by our Committee to this important legislation. The Committee considered over the course of several months a range of legal issues posed by this legislation, and held two days of hearings this fall on its bankruptcy and antitrust law ramifications—on October 22 in the Subcommittee on Commercial and Administrative Law, and on November 17 in the Subcommittee on Courts and Competition Policy. Below is a summary of some of the more significant provisions added to the legislation, or revised in it, at the request of the Committee.

BANKRUPTCY LAW

The bill's new emergency procedures for dealing with financial institutions posing imminent toxic danger to our Nation's financial system is an exemption from the bankruptcy laws in favor of a receivership managed by the Federal Deposit Insurance Corporation (FDIC). While appreciative of the need for the government to be able to act with dispatch when the stability of the entire financial system is in jeopardy, and while respectful of the considered judgment of the Treasury Department, the FDIC, and the Financial Services Committee to devise an approach outside the Bankruptcy Code for this purpose, the Judiciary Committee believes it is important to remain mindful of fundamental due process and equitable considerations that are embodied in bankruptcy procedure. The Committee has accordingly limited the availability and extent of this bankruptcy exemption.

First, because this departure from well-established bankruptcy procedures and protections is justified only in the exigencies of an extraordinary emergency threatening stability of the financial system, the Judiciary Committee added a new ''purpose'' section to the emergency dissolution title to mandate that there be a ''strong presumption that resolution under the bankruptcy laws will remain the primary method of resolving financial companies, and the authorities contained in this subtitle will only be used in the most exigent circumstances.'' The Treasury Secretary is required to explain any determination that such an extraordinary emergency exists, to the House and Senate Judiciary Committees, along with other committees.

Our Committee also added provisions ensuring that bankruptcy remains available as the preferred option. There are new provisions authorizing the FDIC, at any time, with the approval of the Treasury Secretary and after consultation with the Financial Services Oversight Council, to convert an emergency receivership into a case under either chapter 7 or chapter 11 of the Bankruptcy Code, while clarifying that doing so will not affect any of the FDIC's powers with regard to any bridge financial company created under the receivership. Upon its appointment, and periodically during the receivership, the FDIC will be required to report to the House and Senate Judiciary Committees, as well as to other committees, why a receivership is necessary rather than using bankruptcy, and the consequences for the rights of other creditors.

The Committee also added amendments to the Bankruptcy Code to clarify how a case brought by the FDIC proceeds, including authority for the FDIC to serve as trustee, with accommodations to certain trustee obligations in order to make it feasible for the FDIC to serve.

The Committee also adapted a number of key protections from the Bankruptcy Code into the FDIC's new dissolution procedure. These protections include:

Priority protection for unpaid wages and benefit plan contributions for employees of the financial company, who do not have the same recourse against their employer as business creditors have against the company.

Protection of collective bargaining agreements from repudiation by the FDIC, unless the FDIC determines repudiation is necessary for the orderly dissolution of the financial company, taking into consideration the cost to taxpayers and financial stability of the U.S.

Appointment of a consumer privacy advisor to protect the privacy of consumers whose personal information is in the possession of the financial company.

The Committee also directed the Government Accountability Office to undertake two studies and reports:

The first is a report in the event a financial company is taken into emergency receivership and assets are removed by the FDIC, on the extent to which claims against the company for violations of the Truth in Lending Act have been satisfied.

The other is a report on the "safe harbor" provisions for derivatives, swaps, and securities under federal law, that excludes them from bankruptcy and receivership proceedings, on how they have affected the ability of businesses to reorganize.

ANTITRUST LAW

One major impetus of this legislation is to address the problem faced last year by financial institutions that were deemed "too big to fail." The emergency efforts to deal with those institutions led to infusions of billions of federal dollars, and federal guarantees of billions more, putting the Treasury at significant risk.

But "too big to fail" has another aspect that places our nation at significant risk—and that is the potential danger to competition when the marketplace becomes concentrated in the hands of so few competitors that consumers no longer have meaningful choice, and the healthy influence of competition on price, quality, and innovation are lost.

It is important to the Judiciary Committee, as the Committee in charge of the laws protecting our economic freedoms against monopolization and other anticompetitive restraints of trade, that should our nation ever be faced with a similar financial system emergency in the future, that antitrust protections remain in place to ensure that our response does not leave us, when the dust clears, with an even more concentrated market, with companies that are even bigger, with more market power, and less responsive to the consumers they are supposed to serve.

Accordingly, the Committee revised the emergency FDIC dissolution procedures for financial institutions posing imminent toxic danger to the broader financial system, to ensure that any proposed sale of significant assets to a competitor that occurs after the initial urgency has passed would be subject to effective pre-merger antitrust review when warranted, under the procedure developed for reviewing sales of assets during a bankruptcy proceeding. This procedure expedites the initial review, while permitting the antitrust enforcement agency to extend the period when more information is needed to make its assessment. The Committee also clarified that the federal antitrust enforcement agencies would retain their legal authority to challenge a merger or acquisition that would harm competition in violation of the antitrust laws.

These changes balance the need for expeditious transfer of assets from a failing financial company to a safe new home with the imperative of preserving our competitive free market system.

The Committee also revised provisions in the title of the bill dealing with regulation of over-the-counter derivatives markets. Provisions in the legislation as introduced sought to prohibit entities involved in the derivatives markets from engaging in or facilitating anticompetitive conduct. These entities included derivatives clearing organizations, swap dealers, major swap participants, swap execution facilities, clearing agencies, security-based swap dealers, and major security-based swap participants. There was language in these provisions that appeared to create exceptions, and that the Committee was concerned might potentially be read to create exemptions from the antitrust laws.

The Committee revised these provisions to make clear that no antitrust exemptions are intended. In two instances, in parts of the derivatives title amending the Securities Exchange Act, the provisions were removed entirely. In three instances, in parts of the derivatives title amending the Commodity Exchange Act, the exception language was removed to make clear that the prohibitions apply without exception, and to further clarify that the antitrust laws remain fully in effect with respect to any conduct involved.

PRACTICE OF LAW

The Constitutional freedoms and legal rights we enjoy as Americans are ultimately protected in our courts, through the advocacy of attorneys who are licensed to practice before them. In keeping with these critical responsibilities, the activities of these "officers of the court" are regulated by the States, through government bodies, generally overseen by the State's highest court, with specialized expertise in the duties imposed by the code of legal ethics.

Accordingly, the Judiciary Committee revised the Consumer Financial Protection Agency Act title to clarify that the new agency is not being given authority to regulate the practice of law, which is regulated by the State or States in which the attorney is licensed to practice. The Committee further clarified that this is not intended to preclude the new agency from regulating other conduct engaged in by individuals who happen to be attorneys or acting under their direction, as long as the conduct is not part of the practice of law or incidental to the practice of law.

OTHER CONTRIBUTIONS

Other contributions by the Judiciary Committee include revisions to the Consumer Financial Protection Agency's new investigative authority to bring it closer into conformity with the Antitrust Civil Process Act, on which it is modeled; clarifications to the new revised procedures for FTC rulemaking in the unfair and deceptive acts or practices area, to bring them closer in line with the Administrative Procedure Act, as intended; clarifications to the FDIC's new rulemaking authority to ensure it is used in compliance with the Administrative Procedure Act; and revisions to the new authority for nationwide service of subpoenas by the Securities and Exchange Commission to ensure that the authority will be exercised consistent with due process.

A STRONG SON OF THE SOUTH IN HONOR OF SPC CRAIG C. SMITH, THE UNITED STATES ARMY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. ROGERS of Alabama. Madam Speaker, I rise today to honor a real American Hero, SPC Craig C. Smith of the 172nd Infantry Bgd 9th Eng from Montgomery County, Alabama. On April 5, 2009 in Iraq, after an IED blast, he almost lost his life . . . but did lose his leg. His battle to overcome his next victory is a lesson to us all. A lesson about faith and courage, and rebuilding his life. Along the way his mother, Rosanna Smith, like so many other mothers and parents have helped their sons and daughters with their unending support. I ask that this poem penned by Albert Caswell of the Capitol Guide Service be placed in the RECORD to honor him.

A STRONG SON OF THE SOUTH

On battlefields of honor bright . . .
There are but those who must win that fight . . .
Who must march so bravely off to war . . .
To bare the burden, and all of that heartache endure . . .
Armed but with only their most courageous hearts, they soar . . .
While, there in the face of dark evil and death . . .
As they so boldly fight with all that they so have left!
From where does such strength and courage so come?
And how do you raise such a magnificent Southern Son?
A Strong Son of the South, this fine one!
From but a family of love . . .
And a fine Mother, who but holds her son so very high above . . .
Sweet Home Alabama, this one she loves!
And in times of war . . .
There are new battles, that these fine heroes and families must now endure . . .
When, in the midst of hell . . . as close to death, your fine heart so swells . . .
As you lose your fine strong leg, will you win this new battle?
As it's for him we pray!
For only armed with hearts of courage full . . .
Will over evil, and heartache so rule!
For you Craig, were once the one . . .
Who like a deer, could so run . . .
Jump so high with all of your speed . . .
A sheer Tour De force, but for his country he would bleed!
You're A Bama!
That can't be stopped!
With your heart of a hero, Craig you'll climb this mountain . . . but to the top!
For you got a life to live, and so much to our world to give . . .
For our Lord God put's men like you upon this earth . . .
Fine men like you, in all your worth . . .
To Teach Us, To Reach Us, To All of Our Hearts, To So Beseech Us!

Freedom Fighters, in our Lord's eyes . . .
Heroes like you Craig so come first . . .
And if ever I have a son, I but hope and pray
he could grow up to be like you fine
one!
A Strong Son of the South . . .

TRIBUTE TO MRS. RUBY BUTLER, BETTER KNOWN TO HER FAMILY AND FRIENDS AS ''DEAR ME BUTLER''

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to a wonderful woman who devoted most of her life to the well-being of her friends and family. Dear Me was born to the parentage of Offie and Lillie Floyd Pitts in Opelika, Alabama on January 23, 1926. The Pitts raised Dear Me and her siblings in Salem, Alabama. Dear Me attended Flint Hill School and changed her name to Ruby prior to beginning high school. Ruby was raised in a God-loving, God-fearing home and accepted Christ at an early age. She attended the Weeping Mary Baptist Church in Salem, Alabama.

Offie and Lillie Pitts moved their family to Knoxville, Tennessee in the late 1950's. Ruby worked as a domestic while in high school and married Frank Butler. They relocated north to Chicago and raised four children–Lucy, Charles, Juanita and Earl.

Ruby worked at various factories and plant jobs in Chicago, including W.F. Hall Printing Co. and retired from Goodwill Industries. Ruby was highly religious and was a member of the Greater Rock Church, was delighted to see Barack Obama elected president of the United States, and often prayed for him and his family and their safety.

Ruby loved children and made her real lifetime career caring for her own children and for the children of others. I am told by one of her grandchildren, Ms. Wynona Redmond, that she had a tradition of giving members of her family monetary gifts that matched their age on birthdays and that she often thought and acted on behalf of others before considering herself, and that is one of the reasons she will always be ''Dear Me'' to all of those who knew her. We salute Mrs. Ruby Butler, Dear Me, for being an outstanding humanitarian with a big heart who was more concerned about others than for herself.

COMPREHENSIVE IMMIGRATION REFORM FOR AMERICA'S SECURITY AND PROSPERITY ACT (CIR A.S.A.P)

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 15, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, today we begin the process of transforming an immigration system which has undermined our economy and eroded America's moral standing.

For too long, Congress has sidestepped our mounting immigration challenges, but led by Congressman GUTIERREZ, the Congressional Hispanic Caucus and its allies have devised bold, imaginative solutions to these problems.

In recent years, vast sums have been spent on new agents and infrastructure to secure a once porous border. But we know taller fences and stiffer penalties alone are incapable of mitigating the human toll our broken immigration system exacts every day.

The Comprehensive Immigration Reform for America's Security and Prosperity Act (CIR A.S.A.P) lays out a broad blueprint for correcting the deeply flawed immigration laws and policies that are the source of so much suffering.

The bill would establish a sensible path to legalization for undocumented immigrants, end the shortage of visas that continues to divide families and direct federal authorities to adopt a more humane approach to immigration enforcement.

It also contains key provisions of the American Dream Act that I co-authored with Congressman BERMAN, which would enable young immigrants to attend college and contribute to the social and economic fabric of this nation.

These students should not be forced to defer their dreams and abandon their ambitions simply because they lack documentation. Indeed, we cannot afford to waste our investments in these talented, motivated young people—the products of our schools and our communities.

In addition, the legislation includes important language aimed at reforming our unjust immigration detention policies based on the Immigration Oversight and Fairness Act I introduced earlier this year.

On any given night, more than 30,000 immigrants go to sleep in detention centers across America. Included in their growing ranks are asylum seekers, torture survivors, children, pregnant women and the elderly. Our bill would strengthen and codify detention regulations, guaranteeing every detainee access to medical care and legal advice.

There are those who say we shouldn't pursue these sweeping changes at a time when our economy is stagnant and job losses are mounting. Yet it is precisely because American families are facing unprecedented economic hardships that addressing this issue is so critical. According to the CATO Institute, a conservative think tank, establishing a path to legalization will boost the annual income of American households by fully $180 billion over the next ten years.

We have a moral obligation to pass the CIR A.S.A.P. Act for the asylum seeker denied due process, for the child separated from her parents and for the brave veteran whose spouse faces deportation. But we also desperately need this legislation to strengthen our economy, raise wages and ultimately ensure a brighter economic future for every American family.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S13203–S13276

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 2882–2884, and S.J. Res. 22. **Pages S13251–52**

Measures Reported:

S. 705, to reauthorize the programs of the Overseas Private Investment Corporation. (S. Rept. No. 111–107)

S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, with an amendment in the nature of a substitute. (S. Rept. No. 111–108) **Page S13251**

Measures Considered:

Service Members Home Ownership Tax Act—Agreement: Senate resumed 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 S13205–42**

Adopted:

By 97 yeas to 1 nay (Vote No 375), Baucus Amendment No. 3183 (to Amendment No. 2786), to protect middle class families from tax increases. (Pursuant to the order of Monday, December 14, 2009, the amendment having achieved 60 affirmative votes, was agreed to). **Pages S13205, S13236–37**

Withdrawn:

By 45 yeas to 54 nays (Vote No. 376), Crapo motion to commit the bill to the Committee on Finance, with instructions. (Pursuant to the order of Monday, December 14, 2009, the amendment having failed to achieve 60 affirmative votes, be withdrawn). **Pages S13205, S13237–38**

By 51 yeas to 48 nays (Vote No. 377), Dorgan Modified Amendment No. 2793 (to Amendment No. 2786), to provide for the importation of prescription drugs. (Pursuant to the order of Monday, December 14, 2009, the amendment having failed to achieve 60 affirmative votes, be withdrawn). **Pages S13205, S13216–24, S13238**

By 56 yeas to 43 nays (Vote No. 378), Lautenberg Amendment No. 3156 (to Amendment No. 2786), to provide for the importation of prescription drugs. (Pursuant to the order of Monday, December 14, 2009, the amendment having failed to achieve 60 affirmative votes, be withdrawn). **Pages S13224–36, S13238–39**

Pending:

Reid Amendment No. 2786, in the nature of a substitute. **Page S13205**

Hutchison Motion to commit the bill to the Committee on Finance, with instructions. **Pages S13239–42**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 10:00 a.m., on Wednesday, December 16, 2009, with the first hour equally divided and controlled between the two Leaders, or their designees, with the Majority controlling the first half and the Republicans controlling the second half. **Page S13276**

Signing Authority—Agreement: A unanimous-consent agreement was reached providing that the Majority Leader, be authorized to sign duly enrolled bills or joint resolutions on Tuesday, December 15, 2009. **Pages S13242–43**

Nominations Received: Senate received the following nominations:

1 Air Force nomination in the rank of general.

Routine lists in the Air Force, Army, and Marine Corps. **Page S13276**

Messages from the House: **Page S13249**

Executive Communications: **Pages S13249–51**

Additional Cosponsors: **Pages S13252–53**

Statements on Introduced Bills/Resolutions: **Pages S13253–54**

Additional Statements: Page S13249

Amendments Submitted: Pages S13254–75

Notices of Hearings/Meetings: Page S13276

Authorities for Committees to Meet: Page S13276

Privileges of the Floor: Page S13276

Record Votes: Four record votes were taken today. (Total—378) Pages S13237, S13238, S13239

Adjournment: Senate convened at 10 a.m. and adjourned at 7:56 p.m., until 10 a.m. on Wednesday, December 16, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13276.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Julie Simone Brill, of Vermont, who was introduced by Senator Leahy, and Edith Ramirez, of California, both to be a Federal Trade Commissioner, David L. Strickland, of Georgia, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation, who was introduced by Senator Inouye, Michael A. Khouri, of Kentucky, to be a Federal Maritime Commissioner, and Nicole Yvette Lamb-Hale, of Michigan, to be Assistant Secretary of Commerce, after the nominees testified and answered questions in their own behalf.

ENERGY BILLS

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 2052, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and S. 2812, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, after receiving testimony from Warren F. Miller, Jr., Assistant Secretary of Energy for Nuclear Energy; Michael R. Johnson, Director, Office of New Reactors, United States Nuclear Regulatory Commission; and Thomas L. Sanders, American Nuclear Society, and Anthony R. Pietrangelo, Nuclear Energy Institute, both of Washington, DC.

U.S. POLICY IN CENTRAL ASIA

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine reevaluating United States policy in Central Asia, after receiving testimony from George A. Krol, Deputy Assistant Secretary of State for South and Central Asian Affairs; David Sedney, Deputy Assistant Secretary of Defense for Afghanistan, Pakistan, and Central Asia; Stephen Blank, United States Army War College, Carlisle Barracks, Pennsylvania; and Martha Brill Olcott, Carnegie Endowment for International Peace, Washington, DC.

MANAGEMENT INTEGRATION AT DEPARTMENT OF HOMELAND SECURITY

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine efforts to improve management integration at the Department of Homeland Security, focusing on the extent to which they have developed a comprehensive strategy for management integration, after receiving testimony from Elaine C. Duke, Under Secretary for Management, and Anne L. Richards, Assistant Inspector General for Audit, both of the Department of Homeland Security; and Bernice Steinhardt, Director, Strategic Issues, Government Accountability Office.

DNA EVIDENCE IN RAPE CASES

Committee on the Judiciary: Committee concluded a hearing to examine the effective use of DNA evidence to solve rape cases nationwide, after receiving testimony from Debbie Smith, H-E-A-R-T, Inc., Williamsburg, Virginia; Steve Redding, Hennepin County Attorney, Hennepin County, Minnesota; Susan Smith Howley, National Center for Victims of Crime, Washington, D.C.; Stephanie Stoiloff, Miami-Dade Police Department Crime Laboratory Bureau, Miami, Florida; and Jayann Sepich, Surviving Parents Coalition, Carlsbad, New Mexico.

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: 18 public bills, H.R. 4308–4325; and 8 resolutions, H.J. Res. 64; H. Con. Res. 222; and H. Res. 970–975 were introduced. **Pages H14980–82**

Additional Cosponsors: **Page H14982**

Reports Filed: Reports were filed today as follows:

H.R. 3978, to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism (H. Rept. 111–376);

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 or locality receiving detainees held at Naval Station, Guantanamo Bay, Cuba on or after January 20, 2009, with amendments (H. Rept. 111–377);

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, adversely (H. Rept. 111–378); **Page H14980**

H. Res. 973, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 111–379). **Page H14980**

Speaker: Read a letter from the Speaker wherein she appointed Representative Cuellar to act as Speaker pro tempore for today. **Page H14879**

Recess: The House recessed at 9:19 a.m. and reconvened at 10 a.m. **Page H14881**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Allowing certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service: H.R. 1517, amended, to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service, by a ⅔ recorded vote of 414 ayes to 1 no, Roll No. 972;

Pages H14887–90, H14901–02

First Responder Anti-Terrorism Training Resources Act: H.R. 3978, to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, by a ⅔ recorded vote of 413 ayes to 1 no, Roll No. 973; **Pages H14890–91, H14902–03**

Honoring the 50th anniversary of the recording of the album "Kind of Blue" and reaffirming jazz as a national treasure: H. Res. 894, to honor the 50th anniversary of the recording of the album "Kind of Blue" and reaffirming jazz as a national treasure, by a ⅔ yea-and-nay vote of 409 yeas with none voting "nay", Roll No. 971;

Pages H14891–92, H14900–01

Human Rights Enforcement Act of 2009: S. 1472, to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, by a ⅔ recorded vote of 416 ayes to 3 noes, Roll No. 977;

Pages H14892–94, H14944–45

Expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans: H. Res. 150, to express the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans, by a ⅔ recorded vote of 395 ayes to 23 noes, Roll No. 976;

Pages H14894–96, H14943–44

Commercial Advertisement Loudness Mitigation Act: H.R. 1084, amended, to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany; **Pages H14907–10**

Expressing the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49: H. Res. 971, to express the sense of the House of Representatives regarding guidelines for breast cancer screening for women ages 40 to 49, by a ⅔ yea-and-nay vote of 426 yeas with none voting "nay", Roll No. 974; and **Pages H14910–16, H14942–43**

Iran Refined Petroleum Sanctions Act of 2009: H.R. 2194, amended, to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran, by a ⅔ recorded vote of 412 ayes to 12 noes with 4 voting "present", Roll No. 975. **Pages H14921–42, H14943**

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed:

PHONE Act of 2009: H.R. 1110, amended, to amend title 18, United States Code and to prevent caller ID spoofing; **Pages H14896–97**

Recognizing the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court: H. Res. 905, to recognize the 70th anniversary of the retirement of Justice Louis D. Brandeis from the United States Supreme Court; **Pages H14897–99**

Law Student Clinic Participation Act of 2009: H.R. 4194, to amend title 18, United States Code, to exempt qualifying law school students participating in legal clinics or externships from the application of the conflict of interest rules under section 205 of such title; **Pages H14899–H14900**

Local Community Radio Act of 2009: H.R. 1147, amended, to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service; and **Pages H14903–07**

Daniel Pearl Freedom of the Press Act of 2009: H.R. 3714, amended, to amend the Foreign Assistance Act of 1961 to include in the Annual Country Reports on Human Rights Practices information about freedom of the press in foreign countries and to establish a grant program to promote freedom of the press worldwide. **Pages H14916–21**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, December 16. **Page H14942**

Senate Message: Message received from the Senate today appears on page H14882.

Senate Referral: S. 1755 was referred to the Committee on Energy and Commerce. **Page H14978**

Quorum Calls—Votes: Two yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H14901, H14901–02, H14902, H14942–43, H14943, H14944, H14944–45. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:17 p.m.

Committee Meetings

TERROR SUSPECT TRIAL/DETENTION INFORMATION

Committee on Armed Services: Ordered reported, as amended, H. Res. 924, Directing the Secretary of Defense to transmit to the House of Representatives copies of any document, record, memo, correspondence, or other communication of the Department of Defense, or any portion of such communication, that refers or relates to the trial or detention of Khalid Sheikh Mohammed, Walid Muhammad Salih Murarek Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali, or Mustafa Ahmed Adam al Hawsawi.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Communications, Technology, and the Internet held a hearing on the following bills: H.R. 3125, Radio Spectrum Inventory Act; and H.R. 3019, Spectrum Relocation Improvement Act of 2009. Testimony was heard from former Representative Steve Largent of Colorado; and public witnesses.

U.S. COVERED BONDS MARKET

Committee on Financial Services: Held a hearing entitled "Covered Bonds: Prospects for a U.S. Market Going Forward." Testimony was heard from public witnesses.

LISBON TREATY IMPACTS BETWEEN U.S.-EU RELATIONS

Committee on Foreign Affairs: Subcommittee on Europe held a hearing on the Lisbon Treaty: Implications for Future Relations Between the European Union and the United States. Testimony was heard from Philip H. Gordon, Assistant Secretary, Bureau of European Affairs, Department of State; and public witnesses.

VIOLENT EXTREMISM

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled "Violent Extremism: How Are People Moved from Constitutionally-Protected Thought to Acts of Terrorism?" Testimony was heard from public witnesses.

JUDGE PORTEOUS IMPEACHMENT

Committee on the Judiciary, Task Force on Judicial Impeachment continued consideration of Possible Impeachment of United States District Judge G. Thomas Porteous, Jr., Part IV. Testimony was heard from public witnesses.

IRAN SANCTIONS

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled " Iran Sanctions: Options, Opportunities, and Consequences. Testimony was heard from public witnesses.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by a non-record vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any rule reported from the Rules Committee on the legislative day of December 16, 2009.

SSA NATIONAL COMPUTER CENTER REPLACEMENT

Committee on Ways and Means: Subcommittee on Social Security and the Subcommittee on Economic Development, Public Buildings and Emergency Management of the Committee on Transportation and Infrastructure held a joint hearing on Recovery Act Project to Replace the Social Security Administration's National Computer Center. Testimony was heard from the following officials of the SSA: Michael Gallagher, Deputy Commissioner, Office of Budget, Finance and Management; and Patrick P. O'Carroll, Inspector General; and a public witness.

GUANTANAMO DETAINEES TRANSFERS—EFFECTS ON FOREIGN INTELLIGENCE

Permanent Select Committee on Intelligence: Ordered reported, as amended, H. Res. 923, Requesting the President to transmit to the House of Representatives all documents in the possession of the President related to the effects on foreign intelligence collection of the transfer of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States.

BRIEFING—PAKISTAN

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Pakistan. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1391)*

S. 1599, to amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws. Signed on December 14, 2009. (Public Law 111–113)

S. 1860, to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms. Signed on December 14, 2009. (Public Law 111–114)

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 16, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to consider H.R. 310, to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, H.R. 511, to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village, S. Res. 374, recognizing the cooperative efforts of hunters, sportsmen's associations, meat processors, hunger relief organizations, and State wildlife, health, and food safety agencies to establish programs that provide game meat to feed the hungry, an original bill pertaining to watershed projects in Massachusetts and West Virginia, and the nomination of Jill Long Thompson, of Indiana, to be a Member of the Farm Credit Administration Board, Farm Credit Administration, Time to be announced, Room to be announced.

Committee on Armed Services: to receive a briefing on the assessment by the Joint Estimating Team of the F–35 Joint Strike Fighter Program, 1:30 p.m., SR–222.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 11:30 a.m., SD–366.

Committee on Homeland Security and Governmental Affairs: business meeting to consider S. 1102, to provide benefits to domestic partners of Federal employees, S. 1830, to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, S. 2868, to provide increased access to the General Services Administration's Schedules Program by the American Red Cross and State and local governments, 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, S. 2865, to reauthorize the Congressional Award Act (2 U.S.C. 801 et seq.), S. 2872, to reauthorize appropriations for the National Historical Publications and Records

Commission through fiscal year 2014, H.R. 2877, to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the ''1st Lieutenant Louis Allen Post Office'', H.R. 3667, to designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the ''Clyde L. Hillhouse Post Office Building'', H.R. 3788, to designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the ''Corporal Joseph A. Tomci Post Office Building'', H.R. 1817, to designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the ''John S. Wilder Post Office Building'', H.R. 3072, to designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the ''Coach Jodie Bailey Post Office Building'', H.R. 3319, to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the ''Army Specialist Jeremiah Paul McCleery Post Office Building'', H.R. 3539, to designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the ''Patricia D. McGinty-Juhl Post Office Building'', H.R. 3767, to designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the ''W. Hazen Hillyard Post Office Building'', and the nominations of Grayling Grant Williams, of Maryland, to be Director of the Office of Counternarcotics Enforcement, and Elizabeth M. Harman, of Maryland, to be an Assistant Administrator of the Federal Emergency Management Agency, both of the Department of Homeland Security, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine tools to combat deficits and waste, focusing on enhanced rescission authority, 2:30 p.m., SD–342.

Committee on the Judiciary: Subcommittee on Human Rights and the Law, to hold hearings to examine United States implementation of human rights treaties, 10:30 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of James A. Wynn, Jr., of North Carolina, and Albert Diaz, of North Carolina, both to be United States Circuit Judge for the Fourth Circuit, 3 p.m., SD–226.

Committee on Veterans' Affairs: business meeting to consider 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, Time to be announced, Room to be announced.

House

Committee on Armed Services, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on understanding cyberspace as a medium for radicalization and counter-radicalization, 1:30 p.m., 210 HVC.

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''Innovations in Addressing Childhood Obesity,'' 9:30 a.m., 2123 Rayburn.

Committee on Homeland Security, Subcommittee on Transportation Security and Infrastructure Protection, hearing entitled ''Has the TSA Breach Jeopardized National Security? An Examination of What Happened and Why,'' 2 p.m., 311 Cannon.

Committee on the Judiciary, hearing on Piracy of Live Sports Broadcasting over the Internet, 10 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, hearing on Protecting Employees in Airline Bankruptcies, 2:30 p.m., 2141 Rayburn.

Subcommittee on Courts and Competition Policy, hearing on H.R. 4115, Open Access to the Courts Act of 2009, 2 p.m., 2237 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 725, Indian Arts and Crafts Amendments Act of 2009; H.R. 2288, Endangered Fish Recovery Programs Improvement Act of 2009; H.R. 2476, Ski Area Recreational Opportunity Enhancement Act of 2009; H.R. 3726, Castle Nugent Historic Site Establishment Act of 2009; H.R. 3538, Idaho Wilderness Water Resources Protection Act; and H.R. 2314, Native Hawaiian Government Reorganization Act of 2009, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing entitled ''The U.S. Government as Dominant Shareholder: How Should the Taxpayers' Ownership Rights be Exercised?'' 10 a.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing entitled ''History Museum or Records Access Agency? Defining and Fulfilling the Mission of the National Archives and Records Administration,'' 2 p.m., 2154 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on Acquisition Deficiencies at the U.S. Department of Veterans Affairs, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterterrorism, executive, briefing on Hot Spots, 4 p.m., HVC.

Next Meeting of the SENATE

10 a.m., Wednesday, December 16

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 3590, Service Members Home Ownership Tax Act, with votes expected on or in relation to Hutchison motion to commit the bill and Sanders Amendment No. 2837.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Wednesday, December 16

House Chamber

Program for Wednesday: To be announced.

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