

through December 31, 2011. Those include an extension of the exceptions process for Medicare therapy caps so that individuals who need additional services will not be forced to go without. It extends the Special Diabetes Programs, which are so important in dealing with the impacts of this terrible disease. The bill clarifies that orphan drugs are included in the 340B drug discount program for children's hospitals. It continues Medicare's Quality Individual program to help pay for Medicare Part B premiums for low-income seniors and people with disabilities and it extends Transitional Medical Assistance so low-income families don't lose critical Medicaid coverage as they move into employment.

Passage of the Medicare and Medicaid Extenders Act will make sure that the end of this year won't bring with it cutbacks in access to health care for millions of Americans. It gives us all of 2011 to make these year-long extensions permanent, and I will work hard to make sure that we use next year to do so.

Mr. WAXMAN. Mr. Speaker, I speak today in support of H.R. 4994, the "Medicare and Medicaid Extenders Act of 2010."

This legislation blocks a 25 percent fee cut that is scheduled for Medicare physician payments on January 1, 2011. A cut of that magnitude would jeopardize the access of seniors and people with disabilities to their doctors.

Likewise, military families who rely on TRICARE need this legislation, because TRICARE uses Medicare rates and would also face a huge fee cut on January 1.

The recent practice of Congress to legislate on physician payments several times per year needs to stop. Upon enactment, this will make the fifth SGR bill Congress has passed in 13 months.

I am pleased that this legislation, unlike other recent SGR bills, would address the problem for an entire year.

However, a 1-year solution is far less than the Medicare program ultimately needs. Congress must eventually confront the SGR permanently. The House has previously passed a permanent solution to the SGR problem. I hope that the next Congress is able to follow up on that work and fix this problem once and for all.

This bill also ensures the continued ability of Medicare beneficiaries to access therapy benefits to help them recover from illness. And it contains other important technical changes to maintain the smooth functioning of the Medicare and Medicaid programs.

Other provisions of this bill help low income Medicare and Medicaid beneficiaries. One provision helps low-income Medicare beneficiaries cover the cost of their Medicare Part B premiums. Another extends the transitional medical assistance program to help Medicaid beneficiaries as they work more hours and increase their earnings.

This legislation is completely paid for, and it is necessary. It passed the Senate by unanimous consent, and I hope that all Members of the House will support it as well.

One further note for purposes of interpretation. Section 204 of this bill contains a technical amendment to Section 340B of the Public Health Services Act. This language corrects an error in P.L. 111-152, the Health Care and Education Reconciliation Act of 2010, that inadvertently caused children's hospitals to lose access to orphan drugs at 340B prices. The language in Section 204 restores full access

to orphan drugs at 340B prices for these hospitals. This amendment is retroactive as if included in P.L. 111-152. The intent of this retroactivity is to clarify congressional intent that there be no discontinuity in access to orphan drugs at 340B prices for children's hospitals. To the extent that drug manufacturers have not provided these discounts at any point between the enactment of P.L. 111-152 and the enactment of this legislation, they should do so retroactively, subject to HRSA or any other compliance and enforcement authority.

Mr. CONYERS. Mr. Speaker, I rise today in support of Senate amendments to H.R. 4994, the Medicare and Medicaid Extenders Act.

One of the most important priorities of Congress, regardless of our current economic downturn, is the financial well-being of our nation's hospitals, and the ability of patients to have access to medically necessary care when they need it.

Passage of the Senate amendments to H.R. 4994 accomplishes both goals by blocking a scheduled 25 percent cut in Medicare payments to doctors and extending current Medicare payment rates through December 31, 2011. Passage of the bill today by the House will send this legislation to the President's desk for his signature.

In order to have world class hospitals in the United States, we must have the needed funding to ensure that our nation's hospitals can provide the highest quality care possible. Passage of the Senate amendments to H.R. 4994 will help strengthen our hospitals, especially those located in our inner cities and rural areas. These hospitals are experiencing serious funding shortages, and are at risk of losing much needed doctors and medical staff.

This bill is fully paid for, and according to CBO, the bill would reduce the deficit by \$2.8 billion over the next 10 years. This legislation also helps to protect access to doctors for Medicare beneficiaries and military families, given that payment rates for doctors in TRICARE, the health care program for active-duty servicemembers, National Guard and Reserve members, military retirees, and their families are tied to Medicare rates. Passage of the Senate amendments to H.R. 4994 is a good example of how Members of Congress working together in a spirit of bipartisan unity can improve the health and well being of all Americans.

I do want to raise some concerns with the way this bill is going to be paid for, which is to decrease the affordability credits for Americans that are needed to defray the costs of purchasing private insurance under the soon to be established health exchanges in 2014. I believe that this is tantamount "to robbing Peter to pay Paul." This Congress should not get into the habit of viewing future benefits for low-income Americans as a source of funding for today's legislative initiatives. There are other more fair minded and progressive offsets which could have been utilized for this payment fix—such as taxing Wall Street or our nation's billionaires.

If we are going to make sure that Medicare doctors and hospitals are reimbursed at an appropriate rate over the next several years, we are going to have to be more serious and pragmatic about how to implement efficiencies in the Medicare program.

Medicare is a highly successful and efficient program, but it can't keep feeding the "corporate medical monster" forever. The time has

come for the Federal Government to rein in the costs of for-profit hospital care by taking a more serious look at how we can reduce the costs of prescription drugs and medical technology—two of the most costly expenditures for hospitals and doctors.

Furthermore, we must pass H.R. 676, "The U.S. National Health Care Act," so that all Americans can enjoy the benefits of a universal single payer system, which has successfully worked in every major industrialized country to contain the rising costs of health care and provide quality health care for all. If we created this system, then we would be able to pay our nation's physicians at optimal levels and provide America's hospitals and clinics with a more financially stable, predictable, and efficient health care payment system for years to come.

In the meantime, today's physician payment bill will allow today's Medicare beneficiaries to enjoy the care they have earned. I urge my colleagues to support the bill.

Mr. PALLONE. 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. STARK) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4994.

The question was taken.

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

Mr. HERGER. 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.

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 41 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 12 o'clock and 45 minutes p.m.

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:

Motion to concur in Senate amendments to H.R. 4994, by the yeas and nays;

H.R. 6412, de novo.

The first electronic vote will be conducted as a 15-minute vote. The second

electronic vote will be conducted as a 5-minute vote.

MEDICARE AND MEDICAID EXTENDERS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. STARK) that the House suspend the rules and concur in the Senate amendments.

The vote was taken by electronic device, and there were—yeas 409, nays 2, not voting 22, as follows:

[Roll No. 626]

YEAS—409

Ackerman Castle Foffx
Aderholt Castor (FL) Frank (MA)
Adler (NJ) Chaffetz Franks (AZ)
Akin Chandler Frelinghuysen
Alexander Childers Fudge
Altmire Chu Gallegly
Andrews Clarke Garamendi
Arcuri Clay Garrett (NJ)
Austria Cleaver Gerlach
Baca Clyburn Giffords
Bachmann Coble Gingrey (GA)
Bachus Coffman (CO) Gohmert
Baldwin Cole Gonzalez
Barrett (SC) Conaway Goodlatte
Barrow Connolly (VA) Gordon (TN)
Bartlett Conyers Graves (GA)
Barton (TX) Cooper Graves (MO)
Bean Costa Grayson
Becerra Costello Green, Al
Berkley Courtney Green, Gene
Berman Crenshaw Grijalva
Biggert Critz Guthrie
Billray Crowley Gutierrez
Bilirakis Cuellar Hall (NY)
Bishop (GA) Culberson Hall (TX)
Bishop (NY) Cummings Halvorson
Bishop (UT) Dahlkemper Hare
Blackburn Davis (AL) Harman
Blumenauer Davis (CA) Harper
Boccieri Davis (IL) Hastings (FL)
Bonner Davis (KY) Hastings (WA)
Bono Mack Davis (TN) Heinrich
Boozman DeFazio Heller
Boren DeGette Hensarling
Boswell DeLauro Herger
Boustany Dent Herseth Sandlin
Brady (PA) Deutch Higgins
Brady (TX) Diaz-Balart, L. Hill
Braley (IA) Diaz-Balart, M. Himes
Bright Dicks Hinchey
Broun (GA) Dingell Hinojosa
Brown (SC) Djou Hirono
Brown, Corrine Doggett Hodes
Brown-Waite, Donnelly (IN) Hoekstra
Ginny Doyle Holden
Buchanan Dreier Holt
Burgess Driehaus Honda
Burton (IN) Duncan Hoyer
Butterfield Edwards (MD) Hunter
Buyer Edwards (TX) Inglis
Calvert Ehlers Inslee
Camp Ellison Israel
Campbell Ellsworth Issa
Cantor Emerson Jackson (IL)
Cao Engel Jackson Lee
Capito Eshoo (TX)
Capps Etheridge Jenkins
Capuano Farr Johnson (GA)
Cardoza Fattah Johnson (IL)
Carnahan Filner Johnson, E. B.
Carney Fleming Johnson, Sam
Carson (IN) Forbes Jones
Carter Fortenberry Jordan (OH)
Cassidy Foster Kagen

Kanjorski Mollohan Schauer
Kaptur Moore (KS) Schiff
Kennedy Moore (WI) Schmidt
Kildee Moran (VA) Schock
Kilpatrick (MI) Murphy (CT) Schrader
Kilroy Murphy (NY) Schwartz
Kind Murphy, Patrick Scott (GA)
King (IA) Murphy, Tim Scott (VA)
King (NY) Myrick Sensenbrenner
Kingston Nadler (NY) Serrano
Kirkpatrick (AZ) Napolitano Sessions
Kissell Neal (MA) Sestak
Klein (FL) Neugebauer Shadegg
Kline (MN) Nunes Shea-Porter
Kosmas Nye Sherman
Kratovil Oberstar Shimkus
Kucinich Obey Shuster
Lamborn Olson Simpson
Lance Olver Sires
Langevin Ortiz Slaughter
Larsen (WA) Owens Smith (NE)
Larson (CT) Pallone Smith (NJ)
Latham Pascrell Smith (TX)
LaTourette Pastor (AZ) Smith (WA)
Latta Paul Snyder
Lee (CA) Paulsen Space
Lee (NY) Payne Speier
Levin Pence Spratt
Lewis (CA) Perlmutter Stark
Lewis (GA) Perriello Stearns
Lipinski Peters Stupak
LoBiondo Peterson Stutzman
Loeb sack Petri Sullivan
Lofgren, Zoe Pingree (ME) Sutton
Lowe Pitts Tanner
Lucas Platts Taylor
Luetkemeyer Poe (TX) Teague
Lujan Frank (CO) Terry
Lummis Pomeroy Thompson (CA)
Lungren, Daniel Posey Thompson (MS)
E. Price (GA) Thompson (PA)
Lynch Mack Price (NC) Thornberry
Mack Quigley Tiahrt
Maffei Rahall Tiberi
Maloney Rangel Tierney
Manzullo Reed Titus
Markey (CO) Rehberg Tonko
Markey (MA) Reichert Towns
Marshall Reyes Tsongas
Matheson Richardson Turner
Matsui Rodriguez Upton
McCarthy (CA) Roe (TN) Van Hollen
McCarthy (NY) Rogers (AL) Velázquez
McCaul Rogers (KY) Visclosky
McCollum Rogers (MI) Walden
McCotter Rohrabacher Walz
McDermott Rooney Wamp
McGovern Ros-Lehtinen Wasserman
McHenry Roskam Schultz
McIntyre Ross Waters
McKeon Rothman (NJ) Watt
McMahon Roybal-Allard Waxman
McNerney Royce Weiner
Meeks (NY) Ruppersberger Welch
Melancon Rush Westmoreland
Mica Ryan (OH) Whitfield
Michaud Ryan (WI) Wilson (OH)
Miller (FL) Salazar Wilson (SC)
Miller (MD) Sánchez, Linda Wittman
Miller (NC) T. Wolf
Miller, Gary Sanchez, Loretta Woolsey
Dent Sanabanes Yarmuth
Herseth Sandlin Scalise Young (AK)
Higgins Minnick Young (FL)
Hill Mitchell Schakowsky

NAYS—2

Baird McClintock

NOT VOTING—22

Berry Flake Moran (KS)
Blunt Granger Putnam
Boehner Griffith Radanovich
Boucher Linder Shuler
Boyd Marchant Skelton
Cohen McMorris Watson
Delahunt Rodgers Wu
Fallin Meek (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1309

Messrs. FRANK of Massachusetts and DAVIS of Tennessee changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GRANGER. Mr. Speaker, on rollcall No. 626 I was absent from the House. Had I been present, I would have voted “yes.”

QUESTION OF PERSONAL PRIVILEGE

Ms. WATERS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore. The Chair has been made aware of a valid basis for the gentlewoman from California's point of personal privilege.

The gentlewoman from California is recognized for 1 hour.

Ms. WATERS. To the Members, I will only take about 7 or 8 minutes. I know that they are anxious to go home.

On Tuesday, I introduced a privileged resolution that calls for a bipartisan task force to investigate the disciplinary action taken against two professional staff members of the Ethics Committee. Since then, I have had a chance to speak with dozens of Members regarding concerns about the ethics process and the impact it has on this institution.

Regardless of region or political ideology, they all agreed that we must take every opportunity we can to improve the ethics process and, by extension, increase the faith of the American people in our ability to uphold the highest standards of ethical conduct.

We now have such an opportunity.

There have been press reports of misconduct by the committee attorneys responsible for handling my case, which has been with the committee for almost 1½ years. Although we do not know the circumstances surrounding their conduct nor the disciplinary action taken against them, we can all agree, as Majority Leader HOYER stated last week, that the developments are “troubling.”

To be sure, this issue is of great concern to me. However, after talking to Members, I have confirmed that it is also of great concern to you—my colleagues and friends—because the issue of transparency and fairness in the ethics process is one that transcends any individual.

What is at stake is the integrity of this institution that we all cherish and of which we are privileged to be a part.

If information regarding this matter is not made public, we will continue to see press reports and commentators across the political spectrum publicly criticizing the ethics process. Allow me to read you some of the press quotes on this issue.

“You have ethics issues in the Ethics Committee. These two attorneys are left on the government payroll. We still don't even know why they dismissed them.” This is from “The Willis Report,” Fox Business, 12/1/10.