survey data sources to be used in these calculations.

THE INEQUITABLE FRONTIER STATES PROVISION

Unfortunately, the more accurate calculation of practice expense costs that was intended to be achieved by Section 3102(b) has been jeopardized by a special interest provision that was added to PPACA behind closed doors during the Senate floor consideration of health reform. The ''frontier states'' provision addresses geographic disparities but helps just five states at the expense of the other 45. It improves Medicare reimbursement in the so-called frontier states by establishing a permanent 1.0 floor for the PE GPCI as well as for the hospital wage index, effective January 1, 2011. A frontier state is defined as one with 50 percent or more frontier counties, defined as counties with a population per square mile of less than six. The frontier states provision ensures that higher Medicare physician payments resulting from a higher PE GPCI adjustment go to just five states in 2011—Montana, Wyoming, North Dakota, South Dakota, and Nevada.

Iowa provides some of the highest quality care in the country but it does not meet the definition of a frontier state. Yet Medicare reimbursement for hospitals and physicians is lower in Iowa than in most of these so-called frontier states. Medicare also pays much lower rates in other rural states that do not meet the definition of a frontier state.

The frontier states provision is even more egregious because taxpayers in all 50 states will help pay the estimated $2 billion cost for a provision that benefits just five states. That amount is the Congressional Budget Office cost estimate of the frontier states provision for the next ten years. A practice expense floor for rural states may be warranted but it should not be an adjustment for just a few select states. This automatic pay increase for frontier state physicians could result in reduced access for Medicare beneficiaries in nearby rural states that do not have the 1.0 PE floor if physicians migrate to those rural areas where Medicare payment has been significantly increased.

Last spring I introduced legislation, the Medicare Rural Health Care Equity Act of 2010, to eliminate the special Medicare reimbursement rates for frontier states. It is imperative to reduce unwarranted geographic disparities and base physician practice expense costs on actual or reliable survey data, not by legislative fiat that improves physician payments for just a few states. Although legislative action would be required to make changes in this regard, I urge the IOM to review this situation and provide recommendations to HHS on whether specific factors should be considered to determine physician practice costs in frontier states if such a floor did not exist.

CONCLUSION

The practice expense geographic adjustment factor has a significant impact on the health care workforce in rural areas, because it plays a major role in the ability to recruit and retain physicians in rural areas who see more patients and work longer hours for correspondingly lower pay. This in turn can result in Medicare beneficiaries in rural areas having reduced access to physicians and other health care practitioners. Twenty percent of the population lives in rural America yet only nine percent of physicians practice there. Shortages of primary care and specialty physicians currently exist in many rural areas yet unwarranted geographic payment disparities make it difficult to improve access for rural Medicare beneficiaries and other patient populations.

The existing inaccurate geographic adjustments by CMS result in unwarranted and unduly low rural reimbursement rates. More current, relevant, and accurate data sources exist and should be used by CMS to make geographic adjustments to Medicare payments, especially in the area of physician practice expense. The current geographic disparities in payment are not based on actual or reliable data, and they put rural Medicare beneficiaries at risk. I urge the committee to recommend that CMS use actual practice cost data rather than the current inaccurate proxies to ensure that Medicare payment reflects true geographic differences in physician practice costs.

START TREATY

Mr. COBURN. Mr. President, the Constitution of the United States is an amazing document. Every day I appreciate the foresight of our Founding Fathers who knew that future Presidents, of any political philosophy, would seek to expand their power and try to impose their will over the legislative branch, the branch closest to the citizens of the United States.

For this reason they added an important clause in article 2, section 2 that says ''He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;''

Negotiators for the Strategic Arms Reduction Treaty on both sides know the terms of our Constitution, which predates both the Russian Federation and the Soviet Union it replaced.

However, as the Senate considered the Strategic Arms Reduction Treaty, or the START treaty, supporters of the treaty seemed to say that the Senate should abandon its role of advice and just focus on consent. It was repeated many times that any change, no matter how minor or no matter how much it improved the treaty, would be considered a treaty-killer as further negotiation with Russia was inexplicably taken off the table as an option.

The reasonable amendments offered by Republican Senators were all rebuffed. The supporters of the treaty repeated many times how reasonable the amendments were but that the treaty was not the appropriate time to be debating such matters. Authors of amendments involving ensuring a robust missile defense, improving verification to prevent Russia from cheating, and merely mentioning the existence of tactical nuclear weapons were all told that another day is the best time to discuss those matters. However, one of the greatest threats to United States national security is the acquisition of a tactical nuclear weapon by a terrorist organization. Since Russia has a preponderance of the world's tactical nuclear weapons, how can it be that a treaty dealing with nuclear weapons control is not the time to discuss this issue?

Supporters of the START treaty say that after it is ratified the President will be able to go and negotiate further agreements with the Russians on matters important to the United States' interest such as the tactical nuclear weapons. However, both opponents and supporters of the treaty know that there is no intention of this administration to pursue follow-on nuclear agreements with the Russian Federation. There are several reasons for this. We now have no leverage with the Russian Federation since they have already gotten a treaty favorable to their interests. Further, we will be pressing the Russians on other issues impacting our national security such as sanctions on Iran. Supporters of the treaty believe that Russia will be more amenable to our requests when history shows that Russia will act in their interest and are not concerned with existential threats to our national security.

Finally, one of the purposes of any arms treaty is to clarify and inform signatories to the treaty about capabilities and intentions of each side. However, the new START treaty neither clarifies nor informs anyone about the United States' capability and intentions with regards to a national missile defense program. It is clear that the negotiators wanted to avoid this difficult topic knowing that Russia opposes the concept of the United States being able to defend itself from a rogue missile attack. However, by avoiding the topic completely, Russia is forced to consider the mixed messages of the Obama administration withdrawing missile defense capability from Poland and statements by administration officials and Congress calling for a robust four-phase missile defense program. The treaty as written can only cause further instability and confusion on the critical issue of missile defense between the United States and the Russian Federation. Clarifying amendments from Republican Senators regarding missile defense and the United States' intention to deploy technologies against all four phases of ballistic missile flight would have helped the treaty, not killed it. Instead, the lone statement on missile defense in the preamble of the treaty clearly implies that the United States should limit its missile defense in an attempt to limit the need for offensive missiles. The United States has no intention of doing so as it is a national security threat for us to ignore the dangers posed by North Korea and Iran in this area.

Because of these many reasons, I voted against the new Start treaty. While it did pass over my objections, I hope that future Senators will not use the debate we just held in this lame-duck session of Congress as precedent to abdicate their constitutional role for international agreements.

REMEMBERING SENATOR CHARLES SUMNER

• Mr. BROWN of Massachusetts. Mr. President, today I rise to celebrate the bicentennial, January 6, 2011, of the birth of U.S. Senator Charles Sumner, who so ably represented the Commonwealth of Massachusetts in this body

from 1851 until his death in 1874. While I am honored to serve the people of Massachusetts from the physical desk once occupied by Senator Sumner, I rise today in recognition of Charles Sumner's tireless and often solitary quest for racial equality, education reform, and social justice.

By all accounts, Senator Sumner was one of this body's greatest orators; Sumner didn't give speeches, he unleashed them. According to Henry Wadsworth Longfellow, Sumner delivered remarks ''like a cannoneer ramming down cartridges.'' The target of Sumner's verbal fusillade was almost always injustice, especially slavery and the men and institutions that sought to expand or perpetuate it. Yet, even among fellow mid-19th century abolitionists, Charles Sumner's views on racial equality were considered utopian. Years before the Emancipation Proclamation, Sumner called for the abolition of slavery. Decades before the 15th amendment declared that the ''right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude'' and nearly a century before the Voting Rights Act, Sumner insisted that all Black men should have the rights of citizenship.

Charles Sumner was not born into a powerful or wealthy Massachusetts family; his upbringing in Boston was at best modest. Yet his parents insisted that Charles receive the best education available, and he was fortunate enough to attend the acclaimed Boston Latin School, where he excelled and went on to receive degrees from Harvard College and Harvard Law School. Sumner spent his late twenties travelling through Europe and England, where his intellect and education impressed leading officials with whom he formed lasting relationships that proved invaluable to the Union years later when Sumner served on the Foreign Relations Committee.

In May of 1856, Sumner became the victim of one of the most unfortunate incidents in Senate history. Days after Sumner delivered a vitriolic speech against Kansas-Nebraska Act coauthor Andrew Pickens Butler, the South Carolina Senator's nephew, a Member of the House of Representatives, approached Sumner while he was sitting at his Senate desk and beat him unconscious with a metal tipped cane. The attack left Sumner gravely injured, and he did not return to the Senate for 3 years. Sumner's ''Crime Against Kansas'' speech, and the violent retribution for it, further eroded the already strained relations between representatives of free and slave States. In his day, Senator Charles Sumner was considered an extreme, a wild-eyed dreamer whose vision of a society free of institutional racism seemed as unachievable as it was radical. Today, 200 years after his birth, we are the heirs of Charles Sumner's vision. Dozens of streets, schools, and towns across our country bear the name of this outspoken Senator from Massachusetts.

Today, the issue of education reform looms large in our Nation's consciousness. Too many of our public school systems are failing our children. We would be wise to look at the legacy of Senator Sumner. He was one of his era's most vocal advocates for high-quality public schools and argued in the Massachusetts courts for the integration of the Commonwealth's schools. He based his argument on the—at the time—novel concept that the inferior schools to which many children were relegated had lasting effects on their development. In fact, a century later this very argument would underpin our Nation's most famous civil rights case. In 1954, a young Black girl named Linda Brown was prevented from enrolling in an all-White public school that was much closer to her home than the all-Black school she was forced to attend. Her father joined a class action suit against the city's school board, and the resulting case would forever transform American society. The city was Topeka, KS. The case was Brown v. Board of Education. Ironically, the school where she had been denied was known as the Sumner Elementary School. Peering down from somewhere on high, Senator Sumner must have been pleased that injustice was not allowed to stand in his name.

At the time of his death in 1874, Sumner was still agitating for school reform and Federal legislation to repeal all discriminatory laws against Blacks and the tens of thousands of Asians who had immigrated to America and helped build our transcontinental railroad system. The late Senator Robert C. Byrd, a noted historian of the Senate, once wrote, ''After Clay, Calhoun and Webster, no nineteenth-century senator stood higher on the political horizon than did Charles Sumner, nor did any garner more praise, condemnation and controversy than that eloquent Massachusetts senator.'' Today, I am proud to celebrate the bicentennial of Sumner's birth and his incredible service in the U.S. Senate.●

ADDITIONAL STATEMENTS

TRIBUTE TO DARRELL BELL

● Mr. BAUCUS. Mr. President, today I congratulate Darrell Bell for his recent appointment as the U.S. Marshal for the District of Montana. I was pleased to see my colleagues unanimously support the nomination of such an outstanding public servant, and I am confident he will serve the State of Montana admirably. As the former Deputy Chief of Police for the City of Billings—Montana's largest community—Darrell possesses the qualities necessary to successfully lead Montana's U.S Marshal's Office.

For the last three and a half decades, Darrell has served Montana's law enforcement community with passion and expertise. Since 2006, Darrell has served as a criminal investigator for the Montana Department of Justice, Gambling Control Division. Darrell served over 30 years with the Billings Police Department, including 5 years as the Deputy Chief of Police. Originally from Joliet, Darrell graduated from the Montana Law Enforcement Academy and began his career with the Billings Police Department as a patrolman in 1974. Working his way up the ranks, Darrell has served as a sergeant and then lieutenant of the Operations Division as well as captain for the Investigations, Training, and Support Services Division. Upon the request of the Billings city administrator in 2005, then-Deputy Chief of Police Bell stepped in to become the Interim Chief of Police. Darrell has served Montana and his community on the executive boards for High-Intensity Drug Trafficking Areas and the Montana Chiefs of Police.

I received an outpouring of support for Darrell when he was nominated. After reading just a couple of these outstanding letters, I knew that we had the right man for the job. Darrell's peers described him as the ''consummate professional,'' a ''first-class leader,'' and as a person who ''is not afraid to sit down face to face and debate an issue to find a resolution.'' One letter stated that he ''leads by example and many people find his enthusiasm and dedication both inspiring and motivating.'' Montana law enforcement is clearly in good hands.

Darrell has a proven track record of bringing folks together, and working with local, State, and Federal law enforcement officials to provide a safe environment for Montana's communities. Darrell's experience and leadership in law enforcement will truly be an asset for Montana's U.S. Marshal's Office. I again congratulate Darrell and his family, wife Dawn, son Brent, and daughter Lindsay on his appointment, and I applaud his continued service to the State of Montana.●

TRIBUTE TO GENERAL CARROL H. CHANDLER

● Mr. INHOFE. Mr. President, today I wish to recognize and pay tribute to GEN Carrol H. Chandler for over 36 years of exceptional service and dedication to the U.S. Air Force. He will be retiring from Active Duty on March 1, 2011.

He currently serves as the Vice Chief of Staff of the U.S. Air Force, Washington, DC. As Vice Chief, he presides over the Air Staff and serves as a member of the Joint Chiefs of Staff Requirements Oversight Council and Deputy Advisory Working Group. He assists the Chief of Staff with organizing, training, and equipping 680,000 Active-Duty, Guard, Reserve and civilian forces serving in the United States and overseas.

A command pilot with more than 3,900 flying hours in the F–15, F–16, and